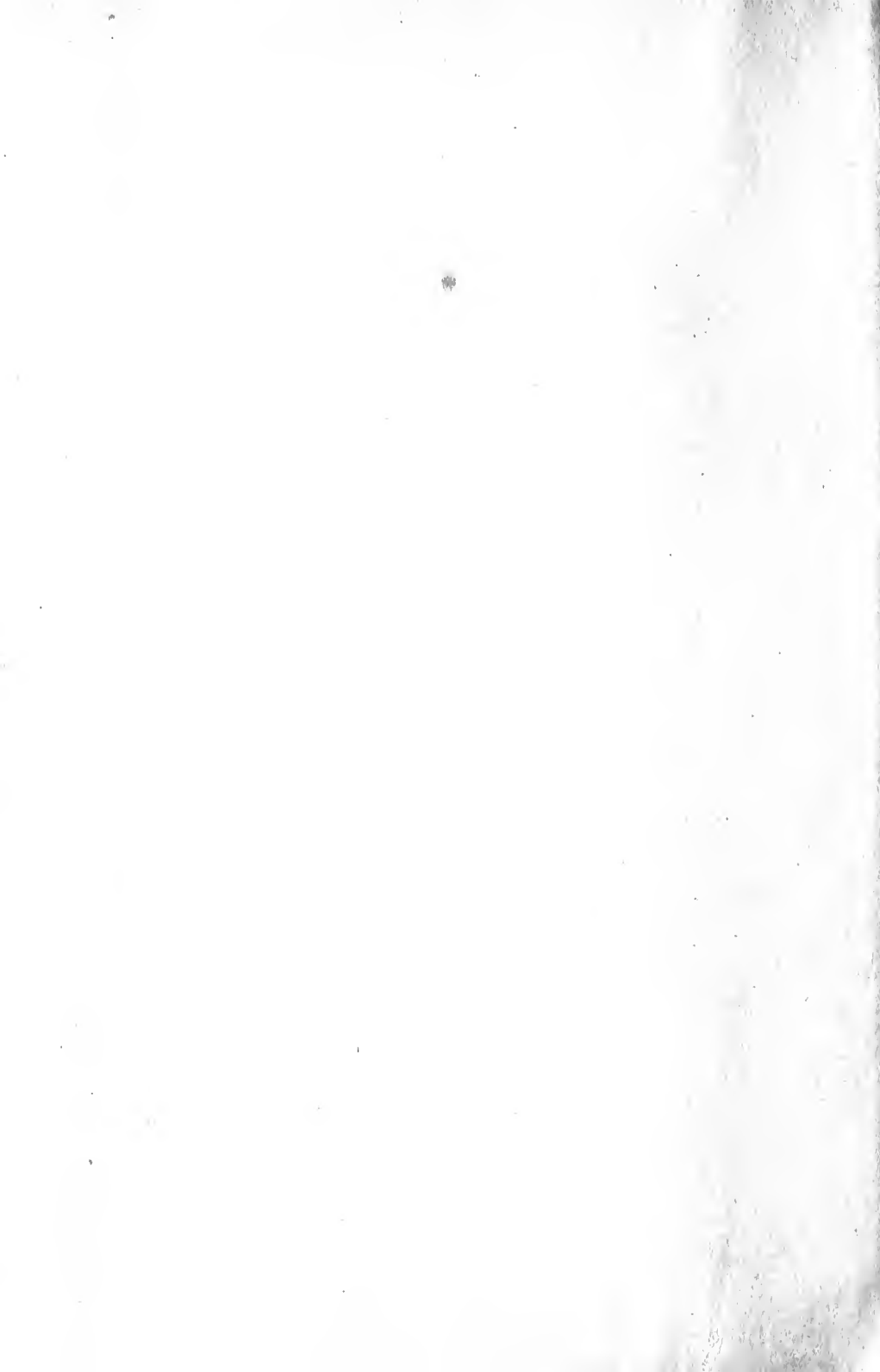


**The
University of South Carolina**



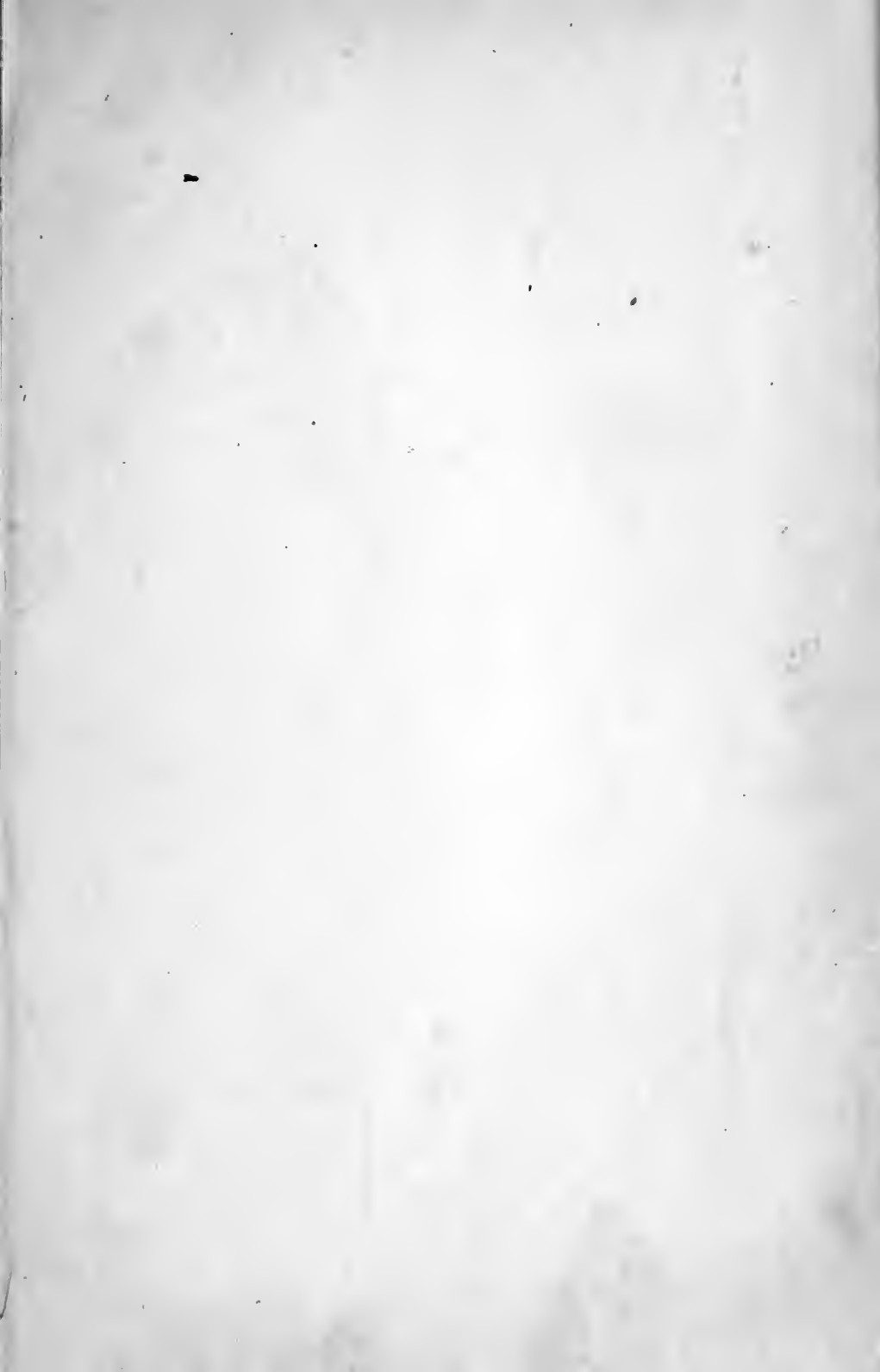
**Coleman Karesh
Law Library**





Digitized by the Internet Archive
in 2010 with funding from
Lyrasis Members and Sloan Foundation







THE
STATUTES AT LARGE
OF
SOUTH CAROLINA.

Volume XII,

CONTAINING THE

Acts from December, 1850, to January, 1861.

ARRANGED CHRONOLOGICALLY.

PUBLISHED UNDER AUTHORITY OF THE LEGISLATURE.

COLUMBIA, S. C.:
REPUBLICAN PRINTING COMPANY, STATE PRINTERS.
1874.

c.1c

LIST OF ACTS.

Acts of 1850.

	PAGE
An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty.....	3
An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty.....	4
An Act to provide for the inspection of flour.....	9
An Act to incorporate certain societies and companies, and to revive and amend certain charters heretofore granted.....	11
An Act to incorporate the Commercial Insurance Company.....	25
An Act to incorporate "The South Carolina Atlantic Steam Navigation Company".....	28
An Act to incorporate the Columbia Insurance Company, in the town of Columbia.....	32
An Act to incorporate the Furman University.....	34
An Act to incorporate the Swedish Iron Manufacturing Company of South Carolina.....	36
An Act to incorporate "The Hamburg Paper Mill Company".....	38
An Act to incorporate the village of Totness.....	39
An Act to incorporate the New Charleston Water Company.....	40
An Act to charter and incorporate Erskine College, at Due West, in Abbeville District.....	43
An Act to incorporate the Hayne Cotton Mill Company.....	44
An Act to charter the Wateree Manufacturing Company.....	46
An Act to amend the charter of the Graniteville Manufacturing Company.....	48
An Act to amend the charter of the Charleston Gas Light Company.....	49
An Act to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the people of this State...	50
An Act to provide for the defence of the State.....	52
An Act to define the manner in which the City Council of Charleston shall proceed in charging, levying and collecting assessments upon the owners of lots fronting on streets, lanes, or alleys, opened or extended, according to law.....	54
An Act to establish certain roads, bridges and ferries.....	56
An Act to alter and amend the laws relating to the city of Charleston, in reference to the time of holding the city elections and in other particulars.....	58
An Act to authorize the State to aid in the construction of the Spartanburg and Union Railroad.....	59
An Act to amend an Act passed on the eighteenth day of December, one thousand eight hundred and forty, entitled "An Act to ascertain and define the powers, duties and liabilities of Masters, Commissioners and Registers in Equity, and to provide for the organization and regulation of their respective offices".....	60

An Act to amend an Act entitled "An Act to incorporate the town of Hamburg, and for other purposes," passed on the nineteenth day of December, one thousand eight hundred and thirty-five, and also to amend an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Hamburg, and for other purposes,'" passed on the twentieth day of December, A. D. one thousand eight hundred and thirty-seven."..... 61

An Act to afford aid in constructing the Colleton Railroad..... 62

An Act to provide for keeping open the offices of Clerks of the Common Pleas and General Sessions in certain cases..... 63

An Act to require the Clerks of the Courts of Common Pleas and General Sessions to index the Journals of the Common Pleas and General Sessions 63

An Act to provide for the payment of the instalments due on the shares held by the State in the South Carolina Railroad Company 64

An Act to confirm a grant unto John J. Moore, which, by mistake, was issued in the name of John Moore..... 64

An Act to declare certain children of Atticus Tucker legitimate, and to change their surnames..... 65

An Act to restore the due compensation of the Tax Collector of St. Phillip's and St. Michael's 65

An Act to prohibit betting on elections..... 66

Acts of 1851.

An Act to authorize the formation of a volunteer company of artillery within the limits of the Independent Battalion..... 66

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-one..... 67

An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-one..... 68.

An Act to amend an Act entitled "An Act for the abolition of the rights of primogeniture, and for giving an equitable distribution of the real estates of intestates, and for other purposes therein mentioned"..... 73

An Act to alter and amend the law in relation to the operation of benefit of clergy..... 74

An Act to establish certain roads, bridges and ferries, and to amend the law respecting Commissioners of Roads, in certain particulars..... 74

An Act to increase the amount of property exempt from levy and sale..... 77

An Act to incorporate the South Carolina Building and Loan Association..... 78

An Act to incorporate the White Water Falls Turnpike Company.. 80

An Act to alter and amend the charter of the King's Mountain Railroad Company..... 81

An Act to incorporate the Charleston Floating Dry Dock and Marine Railway Company..... 87

An Act to suspend the election of members of Congress, from this State, until the number of Representatives to which this State shall be entitled, under the last census, shall be ascertained..... 88

LIST OF ACTS.

III

PAGE

An Act to divide Beat Company, No. 7, attached to the 16th Regiment of Infantry, of South Carolina militia, into two companies, and for other purposes.....	89
An Act to incorporate the Wofford College.....	90
An Act to punish placing obstructions on railroad tracks, and for other purposes.....	91
An Act to incorporate the Florida Steam Packet Company.....	92
An Act to afford aid in constructing the King's Mountain Railroad,	93
An Act to alter the times for holding the Courts of General Sessions and Common Pleas, for the Districts of Barnwell, Beaufort, Colleton, Charleston and Orangeburg.....	94
An Act to amend the charter of the village of Abbeville.....	95
An Act to incorporate the Calhoun Loan and Building Association,	96
An Act to permit Cunningham H. S. McClenaghan and George Hopkinson, aliens, to apply for admission to practice in the Courts of Law and Equity in this State.....	97
An Act to charter the Pendleton Railroad Company.....	97
An Act to alter and amend the 11th Section of an Act entitled "An Act to incorporate certain societies and companies, and to revive and amend certain charters heretofore granted, passed on the 20th day of December, in the year of our Lord one thousand eight hundred and fifty".....	99
An Act to fix the time for the meeting of the Convention elected under the authority of an Act entitled "An Act to provide for the appointment of Deputies to a Southern Congress, and to call a Convention of the people of this State, passed in the year of our Lord one thousand eight hundred and fifty".....	100
An Act to abolish brigade encampments.....	100
An Act to incorporate the Charleston Building and Loan Association	101
An Act to empower the Town Council of the town of Cheraw to sell or otherwise dispose of certain streets and parts of streets, in said town.....	102
An Act to incorporate certain societies and companies, and to renew and amend certain charters heretofore granted.....	103
An Act to provide for the grant of reciprocal privileges to citizens of South Carolina and of Georgia, in relation to the building of bridges over the Savannah River.....	108
An Act to vest the right and title of the State in and to certain escheated property in certain persons therein mentioned.....	109
An Act to authorize and empower the Commissioners of Cross Roads of Charleston Neck to cancel and deliver up to the Washington Fire Engine Company a certain note and mortgage held by them against the said company.....	110
An Act to establish and incorporate a Bank in the town of Winnsboro.....	110
An Act to vest in the South Carolina Railroad Company the title to certain lots in the town of Columbia.....	116
An Act to provide by law for the compensation of physicians for <i>post mortem</i> examinations.....	117
An Act to incorporate the North Eastern Railroad Company.....	117
An Act to authorize and empower the Commissioners of Cross Roads of Charleston Neck to deliver up to the Marion Fire Engine Company a certain bond and mortgage.....	121

	PAGE
An Act to amend the law in relation to Managers of Elections.....	121
An Act to amend the charter of the South Carolina Annual Conference.....	122
A Bill to alter and amend the Constitution, so as to change the name of the Election District of Saxe-Gotha to that of Lexington, and to extend its boundaries to its present judicial limits...	123

Acts of 1852.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-two.....	126
An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-two.....	128
An Act to amend the charter of the Wilmington and Manchester Railroad Company.....	132
An Act to alter the sittings of the Courts of law on the Northern Circuit.....	133
An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted.....	134
An Act to extend the charter of the Bank of the State of South Carolina.....	136
An Act to exempt the surviving officers and members of the Palmetto Regiment from ordinary militia duty.....	137
An Act to incorporate certain religious and charitable societies for the advancement of education, and to renew the charters of others heretofore granted.....	137
An Act to incorporate the Carolina Mutual Insurance Company, of Charleston.....	139
An Act to appropriate the sum of three thousand five hundred dollars for the erection of a suitable building for the education of the Deaf and Dumb of this State at Cedar Springs, in Spartanburg District.....	141
An Act to prevent the obstructions to the passage of fish up Lynch's Creek.....	143
An Act to incorporate the Johnson Female University... ..	143
An Act to amend an Act entitled "An Act to incorporate the Commercial Insurance Company".....	144
An Act to authorize the State to aid in the construction of the Pendleton Railroad.....	145
An Act to incorporate the Firemen's Insurance Company, of Charleston.....	146
An Act to charter the Lancaster Railroad Company.....	151
An Act to incorporate the Beaufort and Columbia Loan and Building Associations.....	153
An Act to amend an Act entitled "An Act to amend the law in relation to harboring deserted seamen".....	154
An Act to incorporate the town of Bluffton.....	156
An Act to alter and amend an Act entitled "An Act to incorporate the Northeastern Railroad Company".....	159
An Act to alter and amend an Act entitled "An Act to provide for the defence of the State".....	159
An Act to authorize the South Carolina Railroad Company to construct a certain bridge over the Congaree River.....	160

LIST OF ACTS.

v

	PAGE
An Act to repeal all Acts and parts of Acts authorizing Ordinaries to take possession of and administer derelict estates.....	161
An Act to establish certain roads, bridges and ferries, and to amend the law respecting Commissioners of Roads in certain particulars.....	162
An Act to alter and arrange the times of the sitting of the Courts of Equity in the Fifth Circuit.....	166
An Act to incorporate the Columbia Gas Light Company... ..	167
An Act to appoint Commissioners to ascertain and define the proper dimensions and direction of the streets of the town of Moultrieville, and to remove all obstacles in such streets	169
An Act to alter and amend the law in relation to the education of the Deaf and Dumb of this State.....	169
An Act to incorporate certain societies, associations and companies, and for the re-charter of others.....	169
An Act to authorize the formation of the Savannah River Valley Railroad Company.....	171
An Act to relieve plank road companies from the necessity of making returns, unless specially called for by the Legislature... ..	172
An Act to authorize the formation of a new volunteer company within the limits of the 23d Regiment of infantry.....	172
An Act to change the day of the election of, and the term of office of, the Mayor of the city of Charleston, and for other purposes. ..	173
An Act to release from pledge the railway shares belonging, to the State.	174
An Act to vest in Wm. H. Trapp the exclusive right to navigate Little River.....	175
An Act to exempt Robert Hopton, a free person of color, from capitation tax.....	175
An Act to incorporate the village of Cokesbury.....	176
An Act to open and extend Pitt street, in the town of Mt. Pleasant, to Hibben street.....	178
An Act to amend an Act entitled "An Act to provide for the inspection of flour".....	179
An Act to alter and amend an Act entitled "An Act to authorize the State to aid in the construction of the Spartanburg and Union Railroad".....	179
An Act to authorize aid in the construction of the Cheraw and Darlington Railroad.....	181
An Act to vest the right, title and interest of the State in the proceeds of the sale of the personal estate of Daniel McGill, deceased, in Catharine McDonald, wife of Donald McDonald..	182
An Act to incorporate the Blue Ridge Railroad Company, in South Carolina.....	182
An Act to authorize the State to aid in the construction of the Northeastern Railroad.....	187
An Act to arrange this State into Districts for the election of Representatives in the Congress of the United States, and for other purposes.....	189
An Act to vest the right and title of the State in and to certain escheated property in certain persons therein mentioned.....	190
An Act in relation to the execution of slaves and free persons of color.....	191

	PAGE
An Act to re-charter the Planters' and Mechanics' Bank, of South Carolina; the Union Bank, of South Carolina; the Commercial Bank, of Columbia, South Carolina; and to incorporate the Exchange Bank, of Columbia; the Farmers' and Exchange Bank, and the People's Bank, of Charleston; the Bank of Newberry; the Bank of Chester; the Bank of Sumterville; the Planters' Bank, of Fairfield; and the Western Bank, of South Carolina, at Anderson.....	191
An Act to authorize the conveyance of certain parcels of land, in fee simple, to Thomas Bennett and James Fuller, upon certain conditions	194
An Act to incorporate the Beaufort Female Seminary.....	194
A Bill to alter and amend the Constitution so as to change the name of the Election District of Saxe-Gotha to that of Lexington, and to extend its boundaries to the present judicial limits.....	196
A Bill to alter the Constitution of this State so as to divide Pendleton into two Election Districts.....	196

Acts of 1853.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-three.....	197
An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty three.....	198
An Act to renew and amend the charters of certain towns and villages heretofore incorporated.....	203
An Act to incorporate certain societies, associations and companies, and to renew and amend the charter of others.....	207
An Act to incorporate certain religious and chairitable societies, and societies for the advancement of Education, and to renew the charters of others heretofore granted.....	210
An Act to incorporate the Central Bank of South Carolina.....	212
An Act to renew and amend the charter of the State Bank.....	217
An Act to renew the charter of the Bank of Charleston, South Carolina.....	218
An Act to re-charter the Bank of Hamburg, South Carolina.....	219
An Act to re-charter the Merchants' Bank of South Carolina, at Cheraw.....	221
An Act to re-charter the Bank of Camden, South Carolina.....	222
An Act to renew the charter of the Bank of South Carolina.....	223
An Act to authorize the Bank of Newberry and the Planters' Bank of Fairfield to increase their capital.	224
An Act to establish certain Roads, Bridges and Ferries, and to renew certain charters heretofore granted.....	225
An Act to authorize the formation of the Newberry and Chester Railroad Company.....	229
An Act to incorporate the Branchville and Savannah Railroad Company.....	238
An Act to charter the Charleston and Savannah Railroad Company,	240
An Act to charter a company to construct a railroad from the junction of the Camden and Columbia Branches of the South Carolina Railroad to Hamburg, South Carolina.....	248

LIST OF ACTS.

VII

PAGE

An Act to incorporate the Columbia and Hamburg Railroad Company.....	250
An Act to authorize the Spartanburg and Union Railroad Company to extend their road from some point at or near Spartanburg Court House to some point on the North Carolina line, in the direction of Asheville or Rutherford.....	252
An Act to amend the charter of the Greenville and Columbia Railroad Company.....	253
An Act to authorize the Laurens Railroad Company to extend their road from Laurens Court House to the North Carolina line, in the direction of Asheville.....	254
An Act to authorize the South Carolina Railroad Company to construct a certain bridge over the Wateree River.....	255
An Act to authorize the Comptroller General to transfer sixteen thousand dollars of the stock owned by the State in the South Carolina Railroad Company and Southwestern Railroad Bank to the Laurens Railroad Company.....	256
An Act to amend an Act to incorporate the Florida Steam Packet Company.....	256
An Act to amend the charter of the Fireman's Insurance Company of Charleston.....	257
An Act to amend an Act entitled "An Act to incorporate the town of Hamburg, and for other purposes," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five.....	258
An Act to extend the time for receiving subscriptions to the Western Bank of South Carolina, at Anderson.....	258
An Act to provide for the measuring of timber in the city of Charleston, and to create the office of Inspector and Surveyor thereof..	259
An Act to cede to the United States, certain parcels of land as sites for light houses and beacons.....	260
An Act to prohibit the collection of demands against students of the colleges and institutions of education in this State.....	260
An Act to confer on Isaac Iseman and Marx Iseman certain rights and privileges in relation to a piece of land by them purchased,	261
An Act to alter the sittings of the Courts of Law on the Western Circuit, and the Court of Equity for Charleston District.....	261
An Act to declare and amend the law in relation to words of limitation in wills and deeds.....	262
An Act to authorize the Commissioners of the Poor for Pickens District to sell certain lands, and for other purposes.....	263
An Act to amend the law in relation to weights and measures.....	263
An Act for the establishment of a general system of registration of births, marriages and deaths in the State of South Carolina.....	264
An Act to vest the title of the State in certain escheated property in sundry persons therein, mentioned.....	265
An Act to vest the right and title of the State in and to a certain lot of land in the town of Darlington in Joseph Frank.....	265
An Act to authorize the Commissioners of the Poor for St. Bartholomew's Parish to sell certain lands, and for other purposes.....	266
An Act to give the Town Council of Yorkville the power to issue bonds of the corporation, and for other purposes.....	267

	PAGE
An Act in relation to the Trustees of the South Carolina College...	267
An Act to declare a certain description of streams navigable, and for other purposes.....	268
An Act to allow William Langston to hawk and peddle in Union District, without the payment of the tax now imposed by law..	268
An Act to establish a Rifle Battalion in the Parishes of St. Philip and St. Michael.....	269
An Act to provide funds for the erection of the new State Capitol...	270
An Act to exempt the survivors of the South Carolina Volunteers in the Florida War from ordinary militia duty, and for other purposes.....	270

Acts of 1854.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-four.....	271
An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-four.....	272
An Act to authorize the United States to purchase certain parcels of land in this State for the erection of Light Houses and Beacon Lights.....	276
An Act to amend an Act entitled "An Act to provide for the inspection of flour in certain particulars".....	277
An Act to authorize the formation of a volunteer battalion, to be attached to the twenty-third regiment South Carolina militia, and for other purposes.....	278
An Act to extend to Judges at Chambers the power of appointing Commissioners to value lands required for railroads.....	279
An Act to charter the Charleston Water Company, in the city of Charleston, State of South Carolina.....	279
An Act to classify the lands in the Catawba Indian boundary, situate in York and Lancaster Districts, and to tax them as other lands in said Districts, and for other purposes.....	284
An Act to re-charter the Bank of Georgetown, South Carolina.....	285
An Act to amend an Act entitled "An Act to re-charter the Merchants' Bank of South Carolina, at Cheraw".....	286
An Act to amend an Act entitled "An Act to authorize the formation of the Savannah River Valley Railroad Company, and to grant aid in the construction of their Road".....	286
An Act to incorporate the Columbia and Charlotte Magnetic Telegraph Company.....	288
An Act to incorporate the Columbia Female College.....	290
An Act to incorporate the Elmwood Cemetery Company.....	292
An Act to alter and amend the charter of the town of Columbia, and for other purposes.....	293
An Act to provide for the better administration of justice in the City Court of Charleston.....	299
An Act to extend the time allowed the Greenville and Columbia Railroad Company, and the Newberry and Chester Railroad Company, to open books of subsription to the capital stock of said companies.....	299
An Act to incorporate the Columbia Machine Works.....	300
An Act to incorporate the Spartanburg Female College.....	302

LIST OF ACTS.

IX

PAGE

An Act to authorize the State to aid in the construction of the Charleston and Savannah Railroad.....	304
An Act to re-charter the Board of Directors of the Theological Seminary of the Synod of South Carolina and Georgia.....	305
An Act to incorporate the village of Marion, and for other purposes therein mentioned.....	306
An Act to vest the title of the State in certain escheated property therein mentioned in certain persons therein named.....	309
An Act to incorporate the Southern Mutual Life Insurance Company.....	310
An Act to incorporate the Southern Mutual Insurance Company....	311
An Act to abolish the office of Tax Collector for the Election District of Winyah, and for other purposes.....	317
An Act to authorize and empower the City Council of Charleston to levy and collect taxes on the real estate of banks within the corporate limits of said city.....	317
An Act to authorize and empower the Commissioners of the Orphan House of Charleston to select the number of youths therein mentioned from those educated and maintained on the bounty of that institution, who shall be allowed to complete their education at the Military Schools established by this State.	318
An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew and amend the charters of others heretofore granted.....	319
An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others.....	321
An Act to authorize the Town Council of Hamburg to subscribe to the capital stock of certain railroad companies therein mentioned, and for other purposes.....	323
An Act to amend the charter of the Bank of the State of South Carolina.....	324
An Act to amend an Act to incorporate the Fireman's Insurance Company of Charleston, passed the 16th day of December, A. D., 1852.....	325
An Act to amend an Act entitled "An Act to incorporate the Northeastern Railroad Company".....	325
An Act to incorporate the South Carolina Saving and Building Association.....	326
An Act to authorize aid to the Blue Ridge Railroad, in South Carolina.....	327
An Act to prescribe the mode and terms upon which the City Council of Charleston may subscribe to the capital stock of railroads, plank roads and canal companies, and to confirm the subscriptions heretofore made.....	330
An Act to amend the charter of the town of Georgetown.....	331
An Act to incorporate the Yorkville Female Institute and the Marion Female College.....	334
An Act to amend an Act entitled "An Act to incorporate the town of Mount Pleasant".....	336
An Act to incorporate the Society for the Relief of Indigent and Superannuated Ministers of the Presbyterian Church and their families.....	338

	PAGE
An Act to authorize the Comptroller General to accept the bequest of the late John Blair.....	339
An Act to extend and renew the charter of the town of Yorkville..	340
An Act to amend the first clause of an Act entitled "An Act to renew and amend the charters of certain towns and villages heretofore incorporated," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three.....	340
An Act to amend the charter of the Wilmington and Manchester Railroad Company.....	341
An Act to authorize the Cheraw and Darlington Railroad Company to increase their capital stock.....	341
An Act to alter the Constitution of this State so as to divide Pendleton into two Election Districts.....	342
An Act to renew and amend the charters of certain towns and villages heretofore incorporated.....	343

Acts of 1855.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-five.....	344
An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-five.....	345
A Bill to amend the fourth Section of the first Article of the Constitution of this State.....	351
An Act to grant aid to the State Agricultural Society of South Carolina.....	352
An Act in relation to kidnapping seamen.....	352
An Act to alter the law in relation to the duties of Ordinaries, in taking administration bonds.....	353
An Act to aid the city of Columbia in the construction of new water works, and for other purposes.....	353
An Act to alter and amend the charters of the joint stock banks of this State.....	354
An Act to prohibit non-residents from hunting, ducking, and fishing within the limits of this State.....	355
An Act to alter and amend the charter of the Spartanburg and Union Railroad Company, in certain particulars.....	356
An Act to amend the charter of the Northeastern Railroad Company, and for other purposes.....	356
An Act to authorize the erection of gates upon all such roads as are not public highways.....	357
An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew the charters of others heretofore incorporated.....	357
An Act to lease the State Road, over the Saluda Mountains, to M. D. Dickey and Oliver Barrett.....	360
An Act to authorize the City Council of Charleston to close Little Coming's Creek.....	361
An Act to incorporate the Lansford Manufacturing Company.....	362
An Act to authorize the Commissioners of Free Schools for St. Philip and St. Michael to sell and convey certain lands.....	362

LIST OF ACTS.

XI

PAGE

An Act to vest the title of the State in certain escheated property in certain persons therein mentioned..... 363

An Act to establish Clarendon County as a separate Judicial District 364

An Act to change the time for holding the election of Tax Collector for Pickens District..... 366

An Act to incorporate the Granitville Cemetery Association..... 367

An Act to amend an Act entitled "An Act to incorporate the Elmwood Cemetery Association" 367

An Act to enlarge the powers of the commissioned officers of the city guard, and the police officers of the city of Charleston..... 368

An Act to amend an Act entitled "An Act to change the day of election of, and the term of office of the Mayor and Aldermen of the city of Charleston" 368

An Act to amend an Act entitled "An Act to incorporate the town of Hamburg," passed the twelfth day of December, one thousand eight hundred and thirty-five..... 369

An Act to amend the twelfth Section of an Act entitled "An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others," passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-five..... 370

An Act to renew and amend the charter of the town of Unionville.. 371

An Act to unite the Morris Street Baptist Church, Charleston, and the Fourth Baptist Church, Charleston, into one corporation, under the name of the Citadel Square Church 376

An Act to disband the James Island Beat Company..... 377

An Act to extend the King's Mountain Railroad..... 377

An Act to provide for a uniform system of measuring ranging timber in this State..... 378

An Act for the better regulation of Commissioners of Cross Roads for Charleston Neck..... 379

An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others..... 385

An Act to repeal the proviso to the first Section of an Act entitled "An Act relating to the survey of the coast of South Carolina, under the authority of the United States" 390

An Act to amend the charter of the Savannah River Valley Railroad Company, and for other purposes..... 391

An Act to charter the Edgefield Railroad Company..... 393

An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted..... 401

An Act to establish certain roads, bridges and ferries..... 410

Acts of 1856.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-six..... 415

An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-six..... 417

An Act to alter and amend the Judiciary system of the State..... 421

An Act to authorize the formation of a volunteer company of riflemen within the limits of the Independent Battalion..... 424

	PAGE
An Act to incorporate the Southern Porcelain Manufacturing Company.....	425
An Act for the better establishment of a general system of registration of births, marriages and deaths in the State of South Carolina.....	425
An Act to abolish the office of Tax Collector of Salem County, and for other purposes.....	426
An Act to amend an Act entitled "An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew the charters of others heretofore granted," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and for other purposes.	427
An Act to incorporate the Greenville and French Broad Railroad Company within the limits of South Carolina.....	428
An Act to promote the efficiency of the volunteer system in the State of South Carolina.....	435
An Act to establish certain roads, bridges and ferries.....	436
An Act to incorporate the Air Line Railroad Company in South Carolina.....	439
An Act to charter a bank in the town of Sumter.....	441
An Act to incorporate the State Agricultural Society of South Carolina.....	442
An Act to revive and renew the incorporation of the Charleston Port Society for Promoting the Gospel Among Seamen.....	443
An Act to abolish the office of Coroner for Williamsburg District...	444
An Act to increase the amount of security required by law to be given by various public officers for Spartanburg District.....	444
An Act to provide for the hearing of appeals from the Courts of Law and Equity for Colleton District at Columbia, instead of at Charleston.....	445
An Act defining the powers of Commissioners of Cuts and Water Courses in this State.....	445
An Act to provide for the transfer of the papers of the office of Superintendent of Public Works to the Secretary of State's office..	448
An Act to amend the Act of incorporation of the town of Abbeville, so as to give to the Town Council the power to impose taxes, and for other purposes.....	449
An Act to incorporate the Laurensville Female College... ..	451
An Act to incorporate certain towns and villages, and to renew and amend the charters of others heretofore granted.....	453
An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others.....	454
An Act to authorize the Town Council of Pickens to change the plan of said village.....	458
An Act to authorize the collection of interest on judgments.....	458
An Act to alter and amend the fourth Section of an Act entitled "An Act concerning the office and duties of Ordinary," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-nine.....	459
An Act to require Sheriffs to give notice of money collected by them	460
An Act to incorporate the Central Presbyterian Church of the city of Charleston.....	460

LIST OF ACTS.

XIII

PAGE

An Act to amend the laws in relation to the erection of wooden buildings in the city of Charleston.....	461
An Act to amend an Act entitled "An Act to incorporate certain societies and companies, and to renew and amend certain charters heretofore granted," incorporating the Charleston Plank Road Company.....	462
An Act to prevent the circulation of printed or engraved paper resembling bank notes.....	463
An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew and amend the charters of others heretofore granted.....	464
An Act to aid in the construction of the Charleston and Savannah Railroad.....	467
An Act to incorporate the South Carolina Regatta Club.....	469
An Act to incorporate the Savannah River Steamboat Company.....	470
An Act to amend an Act entitled "An Act to provide for the inspection of flour," and to repeal an Act amending the same.....	471
An Act to amend the fourth Section of the first Article of the Constitution of this State.....	471
An Act to incorporate the Columbia Steamboat Company.....	472
An Act to authorize certified copies of entries from the books of a Sheriff to be given in evidence.....	473
An Act to renew the charter of the Mount Pleasant Ferry Company.....	473
An Act to declare the canal which connects Boggy Gut with the lower Three Runs a navigable stream.....	474
An Act to increase the amount of the official bond of the Tax Collector of Darlington.....	474
An Act to renew and amend the charter of the town of Anderson..	475
An Act to authorize the formation of new volunteer companies within the limits of the thirty-sixth and forty-first regiments of infantry, and to incorporate the same	482
An Act to amend an Act entitled "An Act prescribing the mode of electing Tax Collector," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six.....	482
An Act to regulate the agencies of insurance companies not incorporated in the State of South Carolina.....	483
An Act to alter the sittings of the Courts of Equity for the Second Circuit.....	484
An Act to promote the draining and improvement of inland swamps,	485
An Act to incorporate the Columbia Athenæum.....	488
An Act to authorize the issue of bonds for the purpose of continuing the construction of the New State House.....	489
An Act to incorporate Newberry College of the Evangelical Lutheran Synod of South Carolina and adjacent States.....	490
An Act to amend an Act entitled "An Act more effectually to prevent free negroes and other persons of color from entering into this State, and for other purposes," passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five.....	491
An Act to incorporate the Mutual Benefit Loan Association.....	493

	PAGE
An Act to define and extend the powers of the Commissioners of Free Schools of St. Philip and St. Michael.....	494
An Act to vest the title of the State in certain escheated property in sundry persons therein mentioned.....	495
A Bill to alter and amend the tenth Section of the first Article of the Constitution of this State.....	496
An Act to alter the time of holding the election of Tax Collector for Pickens District.....	497
An Act to amend an Act entitled "An Act to provide for the measuring of timber in the city of Charleston, and to create the office of Inspector and Surveyor thereof," passed the twentieth of December, one thousand eight hundred and fifty-three.....	497
An Act to incorporate the Keowee and Tuckaseegee Turnpike Company.....	497
An Act to provide for the inspection of naval stores.....	500
An Act to incorporate the Methodist Episcopal Church, South, on the York Circuit, and in the town of Yorkville	501
An Act to confer upon alien widows the right to take and hold real estate.....	502
An Act to amend an Act entitled "An Act to establish Clarendon County as a separate Judicial District".....	502
An Act to establish a Court of Equity for Clarendon District, and for other purposes.....	503
An Act to establish the boundary line between the Parishes of St. Stephens and St. John's Berkeley.....	503
An Act to vest in the Vestry and Church Wardens of the Parish of St. Thomas and St. Dennis the power of purchasing and selling property for certain purposes.....	504
An Act to provide for a supply of water to the public buildings in the city of Columbia.....	505
An Act to authorize the City Council of Columbia to issue bonds or stocks, and for other purposes.....	505
An Act to amend an Act entitled "An Act to exempt the Beaufort Volunteer Company of Artillery from regimental reviews, and for other purposes,".....	506
An Act to authorize the United States to purchase certain parcels of land in this State for the erection of light houses and beacons, and to cede the jurisdiction of this State over the same, and for other purposes	506
An Act to exempt the members of the Board of Fire Masters, and the officers and members of the incorporated Fire Engine Companies of the State of South Carolina, from ordinary militia duty after a certain period of service.....	507
An Act to amend "An Act for the better ordering and governing negroes and other slaves in this province," passed the tenth day of May, seventeen hundred and forty.....	508

Acts of 1857.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-seven.....	509
--	-----

LIST OF ACTS.

XV

PAGE

An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-seven.....	510
An Act to provide for the establishment of a Normal School in this State.....	516
An Act to extend the powers of the Commissioners of Free Schools of the Parishes of St. Philip and St. Michael.....	517
An Act to make malicious trespasses indictable.....	517
An Act to amend an Act entitled "An Act to alter the law in relation to the action of trover, and for other purposes".....	518
An Act to provide for the further maintenance of the peace of this State, in relation to duelling.....	518
An Act to provide for the administration of derelict estates.....	519
An Act to increase the amount of the official bond of the Tax Collector of Lexington.....	521
An Act to declare the tenure of lots on Sullivan's Island.....	521
An Act to increase the number of the Commissioners of Free Schools for Lexington District.....	522
An Act to amend the law in relation to grants for Catawba Indian lands.....	522
An Act to establish the boundary line between the Districts of Sumter and Clarendon.....	523
An Act to afford aid in completing the Spartanburg and Union Railroad.....	524
An Act to amend the law in relation to trading with slaves.....	526
An Act to authorize the United States to purchase a sufficient quantity of land in the city of Columbia for the erection of a post office and Court House.....	526
An Act to amend an Act to establish a rifle battalion in the Parishes of St. Philip and St. Michael.....	527
An Act to increase the penalty for setting fire to the woods.....	528
An Act to protect the owners of neat cattle.....	528
An Act to incorporate Trustees of the Reidville High Schools.....	529
An Act to incorporate the Palmetto Savings Institution, in the city of Charleston.....	531
An Act to amend the Constitution of the State, so that the Election District of Claremont shall hereafter be known and designated by the name of Sumter, and so that the Election District of Liberty shall hereafter be known and designated by the name of Marion.....	533
An Act to establish certain roads, bridges and ferries, and to renew certain charters heretofore granted.....	533
An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others.....	535
An Act to incorporate the Edisto Lumber and Timber Pond Company.....	538
An Act for the suspension of certain Sections of certain Acts, and for other purposes.....	539
An Act to authorize the issue of bonds or stock for the purpose of continuing the construction of the new State House.....	541
An Act to punish willful neglect or misconduct by railroad conductors and engineers.....	542
An Act to incorporate the South Carolina Copper Company.....	542

	PAGE
An Act for the relief of prosecutors and witnesses in criminal cases not capital.....	543
An Act to provide for the sale of certain lands belonging to the State.....	544
An Act to incorporate the Columbia Ice Company.....	545
An Act to renew and amend the charter of the town of Barnwell...	545
An Act to incorporate the Cheraw and Coal Fields Railroad Company in South Carolina.....	551
An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew and amend the charters of others heretofore incorporated.....	553
An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted.....	555
An Act to renew and amend the charter of Cokesbury School, at Cokesbury, in Abbeville District.....	559
An Act to incorporate the Relief Loan Association, of Charleston...	559
An Act to incorporate the Santee and Sampit Canal Company.....	560
An Act to regulate appeals in cases arising under the Ordinances of the City Council of Charleston.....	562
An Act to amend an Act entitled "An Act for the remuneration of Peter, of George Pencil and of ——— Scott".....	562
An Act to authorize the appointment of an additional Magistrate for Pickens District, to reside at Tunnel Hill.....	563
An Act to incorporate the Pickens Court House Church.....	563
An Act to charter the Port Royal Railroad Company.....	564
An Act to alter and amend the law in relation to the qualification of Jurors.....	566
An Act to incorporate the Cashier's Valley Turnpike Company.....	566
An Act to incorporate the Sassafras Gap Turnpike Company.....	568
An Act to amend the charter of the town of Summerville.....	570
An Act to incorporate the "Independent Gas Company of the city of Columbia".....	571
An Act to incorporate the village of Greenwood.....	572
An Act to vest in the City Council of Charleston the fee simple of the Gaurd House lot.....	574
An Act to exempt Managers of Election from the performance of ordinary militia duty.....	575
An Act to repeal an Act entitled "An Act to increase the amount of property exempt from levy and sale," ratified the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one.....	575
An Act to incorporate the Protestant Episcopal Church Building Society of South Carolina.....	576
An Act to exempt the Beaufort Beat Company from Regimental and Battalion Reviews.....	577
An Act to vest the title of the State in certain escheated property in sundry persons therein mentioned.....	577
An Act to declare and establish the Military Divisions of Sumter and Clarendon Districts.....	578
Resolutions reported by the Committee on Privileges and Elections adopted December, 1851.....	579

LIST OF ACTS.

XVII

PAGE

Acts of 1858.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-eight.....	582
An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-eight.....	583
An Act providing for a Code of the Statute Law of South Carolina.....	589
An Act to confirm the military divisions of Sumter and Clarendon Districts, and the elections held therein.....	590
An Act to provide for a census of the free white inhabitants of this State.....	590
An Act to incorporate the Columbia and Hamburg Railroad Company.....	593
An Act to regulate the mode of electing Directors of the Bank of the State of South Carolina, and for other purposes.....	595
An Act to alter the law in relation to last wills and testaments, and for other purposes.....	597
An Act to authorize the issue of bonds or stock for the purpose of continuing the construction of the New State House.....	598
An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others.....	599
An Act providing for the punishment of privily stealing from the person.....	602
An Act to authorize the South Carolina Railroad Company to retain its present bridge over Wateree River.....	602
An Act to authorize the Commissioners of Public Buildings of Orangeburg District to sell the jail lot in said District.....	603
An Act to incorporate the Cheohee Mining Company.....	603
An Act to incorporate the Blue Ridge Mining Company.....	604
An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew and amend the charters of others heretofore granted.....	605
An Act to authorize the formation of a new volunteer company of artillery within the limits of the Fifteenth Regiment of Infantry, South Carolina militia.....	610
An Act to revive the charter of "The Society for the Relief of the Elderly and Disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church in the State of South Carolina".....	611
An Act to incorporate certain towns and villages, and to renew and amend the charters of others heretofore granted.....	611
An Act to establish certain roads, bridges and ferries, and to renew and amend certain charters heretofore granted.....	615
An Act to incorporate the Chauga Lime and Manufacturing Company.....	617
An Act to alter and amend the law in relation to the registration of births, marriages and deaths.....	618
An Act to incorporate the Georgetown Railroad Company.....	620
An Act to afford further aid to the Northeastern Railroad Company.....	622
An Act to authorize the Northeastern Railroad Company to continue the use and present location of their track, near the city of Charleston, known as the crossing of the Meeting Street Road	622

	PAGE
An Act to extend the charter of the Southwestern Railroad Bank..	622
An Act to secure the purity of elections.....	624
An Act to incorporate the Carolina Steam Packet Company.....	625
An Act to amend an Act entitled " An Act for organizing the Fire Guard of Charleston "	626
An Act to raise an independent battalion of militia in St. Helena Parish	627
An Act to incorporate the South Carolina Stave and Barrel Factory.....	628
An Act to vest the right and title of the State in a certain lot in Lexington village, in certain persons therein named.....	629
An Act to authorize the formation of a new volunteer company of infantry in Lexington District, to be called the "Saluda Guards".....	629
An Act to alter and amend the 27th Section of an Act entitled "An Act for the better ordering and governing negroes and other slaves in this Province," passed the tenth day of May, in the year of our Lord one thousand seven hundred and forty.....	629
An Act to repeal an Act entitled "An Act to define the terms upon which the State will aid in the construction of turnpike roads," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight..	630
An Act to provide for the appointment of Commissioners of the Poor for Williamsburg District.....	630
An Act to increase the number of Commissioners of Free Schools for St. Matthew's Parish, Kingston Parish and Barnwell District	631
An Act to provide for the appointment of Commissioners of the Poor for the District of Lancaster.....	631
An Act to increase the compensation of Grand and Petit Jurors.....	632
An Act to incorporate the "Palmetto Fire Engine Company of Columbia".....	632
An Act to secure to mechanics, tradesmen and material men payment for work done and materials and supplies furnished to ships and vessels owned in this State.....	633
An Act to amend "An Act concerning the Lunatic Asylum," passed in the year of our Lord one thousand eight hundred and thirty-one.....	633
An Act to increase the compensation of owners of slaves executed...	633
An Act to exempt Samuel Rivers Cox, a free person of color, from capitation tax.....	634
An Act to punish assaults committed with concealed weapons.....	634
An Act to authorize the City Council of Charleston to appoint Inspectors of Naval Stores.....	635

Acts of 1859.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-nine.....	635
An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-nine	637
An Act to alter and amend the road law of this State.....	642

LIST OF ACTS.

XIX

PAGE

An Act to apportion the representation of this State.....	645
An Act to establish a separate Court of Appeals.....	647
An Act to provide for the election of an additional law Judge.....	649
An Act further to provide for a Code of the Statute Law of South Carolina.....	649
An Act to authorize the Boards of Commissioners of Roads of certain Districts to make subscriptions to the Greenville and French Broad Railroad, and to the Blue Ridge Railroad in South Carolina.....	651
An Act to afford aid to the Laurens Railroad Company.....	653
An Act to grant aid to the Blue Ridge Railroad.....	654
An Act to repeal the ninth Section of an Act entitled "An Act to authorize aid to the Blue Ridge Railroad Company in South Carolina".....	655
An Act to provide for the peace and security of this State.....	655
An Act to require and regulate the granting of licenses to itinerant salesmen and traveling agents.....	656
An Act to authorize the formation of a volunteer company of light infantry within the limits of the Thirty-fourth Regiment South Carolina Militia, and to incorporate the same; and to establish a corps of pioneers in the regiment of Artillery in Charleston..	658
An Act to provide for the formation of a regiment of rifles in the city of Charleston.....	659
An Act to attach the German Hussars of Charleston to the Upper Squadron of the Fourth Regiment of the Second Brigade of Cavalry.....	659
An Act to increase the powers of Commissioners of Roads of Spartanburg District, and for other purposes.....	660
An Act to charter the People's Railroad Company.....	660
An Act to charter the Chester and Newberry Railroad Company....	662
An Act to incorporate the Brasstown and Panther Creek Turnpike Company.....	664
An Act to incorporate the Wateree Embankment Company.....	665
An Act to incorporate the Home Loan and Building Association....	666
An Act to incorporate the Savings Building and Loan Association..	667
An Act to amend the law in relation to the suspension of specie payments by the banks of the State.....	668
An Act to authorize the President and Directors of the Bank of the State of South Carolina to establish a branch of the said bank at some convenient point in the western or northwestern portion of this State.....	669
An Act to amend the charter of the Bank of Chester, South Carolina.....	669
An Act to authorize the issue of bonds or stock for the purpose of continuing the construction of the New State House.....	670
An Act to establish the boundary line between the Districts of Marion and Darlington.....	671
An Act to enlarge the powers of the Commissioners in Equity of this State, in certain respects.....	671
An Act to provide for the appointment of an additional Board of Commissioners of Fish Sluices for Broad River.....	672
An Act to regulate the amount of the penalty of the bonds of Tax Collectors.....	672

An Act to authorize the several Boards of Commissioners of this State to fix the rate of commissions to be charged by their respective Treasurers for receiving and paying out the public funds, and for other purposes.....	673
An Act to amend the law in relation to Sheriffs.....	674
An Act to incorporate the Elmore Mutual Insurance Company, to be located in the city of Charleston.....	675
An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted.....	678
An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew and amend the charters of others heretofore granted.....	682
An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others.....	687
An Act to alter and amend the charter of the town of Aiken.....	692
An Act to establish certain Roads, Bridges and Ferries, and to renew and amend certain charters heretofore granted.....	698
An Act to provide for the organization of a proper Fire Guard in the city of Charleston.....	702
An Act to exempt from City Taxes that portion of Charleston lying north of Shepherd street.....	702
An Act to afford increased facilities for the administration of justice in Charleston District.....	703
An Act to amend the law in relation to homicide.....	703
An Act to amend an Act entitled "An Act to alter and amend the law in relation to the qualification of Jurors," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven.....	704
An Act for the relief of Jacob Feaster.....	705
An Act to alter the law in relation to the commissions of Guardians, Executors and Administrators.....	705
An Act to provide for compensation in damages to the families of persons killed by the fault of others.....	706
An Act to make owners of dogs liable for sheep killed by them.....	707
An Act to vest all the right and title of the State in and to certain property subject to escheat in certain persons therein mentioned.	708
An Act to confer the rights of legitimacy on certain children of John Monts.....	709
An Act to amend an Act entitled "An Act to charter the Wilmington and Manchester Railroad Company".....	709
An Act to authorize the Commissioners of Public Buildings for Richland to sell a certain piece of land in the city of Columbia,	710
An Act to amend the charter of the town of Camden in certain particulars.....	710
An Act to authorize the Commissioners of Public Buildings for Williamsburg District to sell certain portions of the public grounds	711
An Act to exempt teachers and students from the performance of road duty.....	711
An Act to provide for the appointment of additional Magistrates for Lexington and Georgetown Districts.....	712
An Act to punish attempts to poison.....	712
An Act to alter the law as to legal proceedings against railroad companies.....	713

LIST OF ACTS.

XXI
PAGE

An Act to alter and amend the ninth Section of an Act entitled "An Act to authorize the formation of limited partnerships"...	713
An Act to alter the time for counting the votes for Tax Collector of Orange Parish.....	714
A Bill to alter and amend the tenth Section of the first Article of the Constitution of South Carolina.....	714
A Bill to alter and amend the third Section of the first Article of the Constitution of this State.....	715

Acts of 1860-61.

An Act to raise supplies for the year commencing in October, one thousand eight hundred and sixty.....	715
An Act to make appropriations for the year commencing in October, one thousand eight hundred and sixty.....	719
An Act to provide an armed military force.....	726
An Act creating a military establishment for the State of South Carolina, and for other purposes.....	730
An Act to establish a Board of Ordnance and an Ordnance Bureau, and for other purposes.....	732
An Act to prescribe the form of permits for slaves to be absent from the owner's premises.....	734
An Act to provide for the calling of a Convention of the people of this State.....	734
An Act to postpone the operation of the third Section of an Act entitled "An Act for the suspension of certain Sections of certain Acts, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-seven, and for other purposes.....	735
An Act to repeal the seventh Section of an Act entitled "An Act for the more effectual relief of insolvent debtors, and for other purposes," passed the seventh day of April, one thousand seven hundred and fifty-nine.....	736
An Act to amend the law in relation to house burning.....	737
An Act to provide for the proper administration of the admiralty and maritime law in the State of South Carolina, and for other purposes.....	738
An Act to incorporate the Calhoun Guards.....	740
An Act to authorize the formation of a new volunteer company, to be called the St. Paul's Rifles.....	741
An Act to authorize the formation of a new volunteer company of infantry within the limits of the Fifteenth Regiment of South Carolina militia, to be called the Lexington Volunteer Rifle Company, and to incorporate the same, and to authorize the formation of certain other new volunteer companies, and for other purposes.....	741
An Act to authorize the formation of a volunteer company of riflemen within the limits of the Seventh Regiment South Carolina militia, and to incorporate the same.....	743
An Act to amend an Act entitled "An Act to convert the Arsenal, at Columbia, and the Citadel and Magazine in and near Charleston, into military schools....."	744
An Act to establish a corps of Military Engineers.....	745

	PAGE
An Act to provide a patrol and military guard for the city of Charleston, and for other purposes.....	745
An Act to provide for compensation to owners of property taken for public purposes.....	747
An Act to alter and amend the law in relation to the method of counting votes in all elections by the people.....	748
An Act to repeal certain Acts in relation to the registration of births, marriages and deaths in the State of South Carolina.....	748
An Act to authorize the formation of a volunteer company within the limits of the Independent Battalion attached to the Thirtieth Regiment of Infantry.....	749
An Act to amend an Act entitled "An Act to afford increased facilities for the administration of justice in Charleston District"	750
An Act to authorize the formation of a troop of cavalry at Spartanburg village, to be received into the Upper Squadron, Ninth Regiment, Fifth Brigade of South Carolina Cavalry, and to incorporate the same.....	750
An Act to amend the charter of the town of Georgetown in sundry particulars	751
An Act to provide for the maintenance of a police guard in the town of Georgetown.....	753
An Act to incorporate the Greenville Gas Light Company.....	754
An Act to lend the name and credit of the State to the Greenville and Columbia Railroad Company, in the re-adjustment of their debt.....	756
An Act to authorize the formation of a new volunteer company of infantry within the limits of the Twenty-Sixth Regiment of South Carolina militia, to be called the Chester Rifles, and to incorporate the same.....	758
An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew and amend the charters of others heretofore granted.....	759
An Act to incorporate the Buford's Bridge Railroad Company.....	761
An Act to declare a certain portion of Four Holes Creek a navigable stream.....	762
An Act to amend an Act entitled "An Act to enlarge and extend the powers of the Governor, and of the City Council of Charleston, over quarantine, and for other purposes," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two.....	763
An Act to renew and amend the charter of the town of Greenville...	763
An Act to authorize the issue of bonds or stock for continuing the construction of the new State House.....	771
An Act to alter and amend an Act entitled "An Act to make malicious trespasses indictable".....	772
An Act to incorporate the Presbyterian Church of Aiken.....	772
An Act to incorporate the West Point Mill Company.....	773
An Act to authorize the "Railroad Accommodation Wharf Company" to construct a draw bridge over Mazyckborough Creek	774
An Act to incorporate the Due West Female College.....	775
An Act to increase the powers of Commissioners of Public Buildings	775
An Act to incorporate the Central Railroad Company of South Carolina.....	776

LIST OF ACTS.

XXIII

	PAGE
An Act to incorporate the village of Ninety-Six.....	779
An Act to authorize the appointment of a Special Magistrate for the town of Summerville, and an additional Magistrate for Lexington District.....	782
An Act to amend the charter of the Laurens Railroad Company.....	782
An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted.....	783
An Act to alter the law in relation to fish sluices in Broad River..	788
An Act to establish certain roads, bridges and ferries, and to renew and amend certain charters heretofore granted.....	788
An Act to incorporate the Charleston City Railway Company of South Carolina.....	791
An Act to repeal an Act entitled "An Act to require and regulate the granting of licenses to itinerant salesmen and travelling agents".....	792
An Act to vest in certain persons all the right, title and interest of the State, by escheat, in and to certain property.....	793
An Act to aid in the construction of the Georgetown Railroad.....	794
An Act to incorporate "Ninety-Six Church".....	796
An Act to incorporate the Shoe and Leather Manufacturing Company.....	797
An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others.....	798
An Act to amend and renew the charter of Grace Church, Charleston.....	801
An Act to incorporate the Citizens' Line Railway Company of Charleston, South Carolina.....	802
An Act to alter and amend the charter of the Hamburg and Edgefield Plank Road Company.....	804
An Act to incorporate the New Building and Loan Association.....	804
An Act for the establishment of a Coast Police for the State of South Carolina.....	805
An Act to incorporate the Barnwell Railroad Company.....	807
An Act to incorporate the Bennettsville and Society Hill Railroad Company.....	808
An Act to amend the charter of the Georgetown Railroad Company, so as to authorize the said company to extend their road to Bishopville, in Sumter District, and to reduce the amount of stock necessary to be held by any one before becoming a Director or officer in said company.....	810
An Act to amend the charter of the town of Sumter.....	810
An Act to incorporate the Presbyterian Church of Yorkville.....	811
An Act to increase the number of Commissioners of Roads for Kingston Parish, and for other purposes.....	812
An Act to authorize the issue of certificates or stock to provide for the military defence of the State.....	813
An Act to provide for the appointment of an additional Magistrate in All Saints Parish.....	814
An Act to repeal the Acts of incorporation of the town of Bluffton..	815
A Bill to alter and amend the tenth Section of the first Article of the Constitution of the State of South Carolina.....	815
A Bill to alter and amend the third Section of the first Article of the Constitution of this State.....	816



STATUTES AT LARGE.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY.

A. D. 1850.

No. 4002.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the public treasury of this State for the use and service thereof, that is to say: fifty-three cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification heretofore established; one-half cent per acre on all lands lying within the Catawba Indian boundary, to be paid by each grantee or lessee of said Indian lands, until otherwise directed by law; eighty-five cents per head on all slaves; two dollars on each free negro, mulatto and mustizoe between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collector, to be incapable, from maims or otherwise, of procuring a livelihood; thirty-seven and one-half cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; ninety cents per hundred dollars on factorage, employments, faculties and professions, (whether in the profession of the law, the profits to be derived from costs of suit, fees or other sources of professional income,) and on the amount of commissions received by Vendue Masters and Commission Merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted;) ninety cents upon every hundred dollars' worth of goods, wares and merchandise, embracing all the articles of trade, for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall use or employ as articles of trade, sale, barter or exchange, or have in his, her or their possession on the first day of January in the year of our Lord one thousand eight hundred and fifty-one, either on his, her or their own capital or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; ninety cents upon every hundred dollars' worth of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall sell or expose for sale, in any house, stall or public place; one dollar and fifty cents on every hundred dollars of interest or profit raised or derived on money loaned or employed by private individuals in shaving or discounting notes, bonds, judgments or executions; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any

Tax on lands.

Slaves and
free negroes.

Lots and
buildings.

Factorage
and other em-
ployments.

Merchandise.

Public exhi-
bitions.

A. D. 1850.

kind whatsoever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.

To whom to be paid.

II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located.

Direct European importations exempted.

III. The goods which shall be imported directly from Europe in any vessel owned by citizens of South Carolina shall be exempt from taxes in the hands of the original importer. And it shall be the duty of the Tax Collectors to require every importer making a return of stock in trade to produce the original invoice, whenever an exemption from taxation shall be claimed under this Section.

Machinery not assessed.

IV. In making assessments for taxes, the value of taxable property used in manufacturing within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

Commissions of Tax Collectors.

V. The Tax Collectors shall be entitled only to a commission of two per cent. upon the increase of taxes raised by this Act over those of the last year; excepting, however, the Tax Collector of St. Philip's and St. Michael's, who shall be entitled only to the commission specially provided for him.

Returns of Tax Collectors.

VI. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are, required and enjoined, to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rate per centum on the amounts of the State tax collected for said District and Parish police purposes.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4003. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby appropriated for the payment of the various officers and expenses of the State government, that is to say :

Executive Department.

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for contingent fund of the Executive Department, ten thousand dollars, to be subject to the

draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

A. D. 1850.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature, and the Solicitors and Attorney General, during the present session, twenty-one thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, two hundred dollars; for the Printers to the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, five thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts, Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the usual accompanying documents, two thousand five hundred dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division, at Columbia, before the twentieth day of February next; and the amount to be paid, according to the proposals, shall be ascertained by the Treasurer aforesaid: *And further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within three weeks after the adjournment of the Legislature; for Benjamin Hart, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, expenses for the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, five hundred dollars; for repairs of the State House and grounds, under the Committees of both Houses, five thousand dollars, if so much be necessary.

Legislative
Department.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of ten Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger

Judiciary
Department.

A. D. 1850.

of the said Court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for firewood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same Court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include expense of fuel; for firewood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Courts of Appeals, shall be paid by the Treasurer only upon warrants to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

Treasury
Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk's hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

South Caro-
lina College.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same.

Ordinary
civil expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty thousand

dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, fifteen thousand dollars, if so much be necessary; for the Commissioner to be appointed by the Governor to superintend the Public Works, one hundred and fifty dollars; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, twenty thousand dollars, if so much be necessary; for the support of Free Schools, thirty-seven thousand five hundred dollars, if so much be necessary; for the education of the Deaf and Dumb, and of the Blind, two thousand five hundred dollars, if so much be necessary; for refunding Taxes, and paying for Stock Certificates and Interest, as directed by the reports of the Committee of Ways and Means, and of Finance, and agreed to by the Legislature, five hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other Committees, three thousand dollars, if so much be necessary; for interest on the three per cent. Stock, five thousand dollars, if so much shall be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper at Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard at Charleston, five hundred dollars; and for the support of the Arsenal and Magazine Guard at Charleston, sixteen thousand dollars, if so much be necessary; for the support of the Arsenal and Magazine Guard, at Columbia, eight thousand dollars, if so much be necessary; and the Arsenal and Magazine Guard shall be under the direction of the Governor, so that their support shall not exceed the appropriations respectively; for repairing arms, and Arsenal purposes, in Charleston and Columbia, two thousand dollars, if so much be necessary; for the Military Accounts, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, twenty-five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies throughout the State, fourteen hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the ensuing year, for all services in issuing all military commissions, eight hundred dollars, in lieu of all other charges for these services, to be paid as other salaries are directed to be paid by law; for Military Expenditures, as recommended in the report of the Committee on the Military, to be drawn and expended as set forth in the same, and in an Act to provide for the defence of the State, three hundred and fifty thousand dollars; for increasing the accommodations for Cadets in the Citadel Academy, agreeably to a resolution of this General Assembly, one thousand dollars.

A. D. 1850.

Military expenditures.

A. D. 1850.

Authority to
the Governor.

VIII. That of the amounts hereinbefore appropriated to military purposes, the Governor be authorized to apply sixteen thousand dollars for the construction of a suitable magazine or magazines, in the Citadel Square, in Charleston, to be expended under the direction of the Board of Ordnance.

Ordinary lo-
cal expenses.

IX. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor of Charleston, four thousand five hundred dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, five hundred dollars, to be expended by the Commissioners of the Poor of Prince George, Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a Ferry on Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Extraordinary
expenditures.

X. FOR EXTRAORDINARY EXPENDITURES.—For the Catawba Indians, to be applied under the Act of 1840, two thousand five hundred dollars, if so much be necessary; for indexing the records in the Secretary of State's office, to be paid R. Q. Pinckney, according to the report of the Committee of Ways and Means, twelve hundred and fifty dollars; for the legal representative of Casimer Patrick, fifteen hundred dollars, to be paid as provided in the report of committee; for the Delegates to the Nashville Convention, five thousand two hundred dollars, if so much be necessary, to be paid in portions to such delegates as may file an account, and claim the said account at the Treasury.

Calhouu
Manuscripts.

XI. Ten thousand dollars to meet expenses of publication of Calhouu's manuscripts, ordered by the Legislature, as approved by resolution of both Houses.

Internal im-
provements.

XII. FOR INTERNAL IMPROVEMENTS.—For the repairs of Lockhart's Shoals Canal, one thousand dollars, if so much be necessary, to be applied by the Commissioner of Public Works in pursuance of the report of the Committee of Internal Improvements.

Bank of the
State to meet
appropriations.

XIII. For the purpose of meeting the appropriations made by this Act, the President and Directors of the Bank of the State shall, from the current profits of the bank, carry to the credit of the Treasury a sufficient amount, not to exceed, however, the sum of two hundred thousand dollars.

Public build-
ings.

XIV. FOR PUBLIC BUILDINGS.—For building a new jail at Edgefield Court House, three thousand five hundred dollars, to be drawn and expended by the Commissioners of Public Buildings for said District; for arranging and fixing papers in the Treasurer's Office of Upper Division, two hundred dollars; for building a fence around the Arsenal Academy, Columbia, four hundred dollars, to be drawn and expended under the direction of the Governor; for building a new Court House at Chester, eight thousand dollars, to

be drawn and expended by the Commissioners of Public Buildings of said District.

A. D. 1850.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE INSPECTION OF FLOUR.

No. 4004.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first of January next, it shall not be lawful to sell in, or export from the city of Charleston, any barrel, half barrel, or bag of flour or meal of wheat, rye or corn, unless the same shall have been first submitted to the view and examination of the Inspector of the aforesaid city, and by him examined in some lot, street or warehouse, open and accessible to all persons.

Enacting clause.

II. That each and every cask or barrel containing flour or meal of wheat, rye or corn, brought into, or manufactured in the city of Charleston, for sale or exportation, shall be well made, of good seasoned materials, and sufficiently hooped and nailed, and all casks or barrels not made as aforesaid, and not in merchantable condition, but capable of being made so at a reasonable expense, the said Inspector shall cause to be repaired, and put in merchantable condition, at the expense of the owner thereof.

Casks, &c., to be in a merchantable condition.

III. That each and every barrel submitted for inspection as aforesaid, shall contain such quantity of flour or meal, as upon inspection shall be found to be of the nett weight of one hundred and ninety-six pounds, and each and every half barrel shall contain such quantity as shall be of the nett weight of ninety-eight pounds: and all barrels or half barrels containing a less quantity than as aforesaid, the said Inspector shall cause to be made of full weight, at the expense of the owners thereof.

Weight regulated.

IV. That every cask, or bag of flour or meal, submitted to the view and examination of the Inspector as aforesaid, shall by him be searched and tried, by boring on the head and piercing it through with an instrument, by him to be provided; and he shall, afterwards, plug the same with soft seasoned wood, to prevent the entrance of water therein; and, if the Inspector shall judge the same to be merchantable, he shall brand every such cask or bag with the word Charleston, and shall brand the degrees of fineness of which he shall on inspection determine the said flour or meal to be, in letters of half an inch in length, which degree shall be distinguished

Duties of Inspector.

A. D. 1850.

as follows, to wit: Super, fine, first middlings or second middlings, first rye, second rye, first corn or second corn, as the case may be; but if, on examination, it proves unsound, then he shall mark the cask or bag with the broad arrow, for which the owner or agent thereof shall pay the said Inspector five cents for each and every barrel, half barrel, or bag, by him inspected; and no barrel, half barrel, or bag of flour or meal, not examined and inspected, as aforesaid, shall be offered for sale, or exported, under the penalty of five dollars for each and every barrel, half barrel, or bag of flour or meal so offered for sale, or exported, to be paid by the seller or exporter thereof.

Penalty.

Forfeiture for fraud.

V. That, if any person shall alter, erase, or deface the mark or brand, made by the Inspector, on any barrel, half barrel, or bag of flour or meal, or shall brand any barrel, half barrel, or bag of flour or meal, which hath not been inspected, with a mark or brand, similar to, or in imitation of the Inspector's mark or brand, or shall re-pack a barrel, half barrel, or bag of flour or meal previously inspected, without first erasing the Inspector's marks thereon, the person so offending shall forfeit and pay, for each and every such offence, the sum of fifty dollars.

Molesting Inspector.

VI. That, if any person shall prevent, or attempt to prevent the Inspector from exercising the duties assigned to him in this Act, he shall forfeit and pay, for every such offence, the sum of twenty dollars.

Inspector not to trade.

VII. That the Inspector of Flour and Meal shall not purchase, either directly or indirectly, any flour or meal, for sale or exportation, under the penalty of ten dollars for each and every barrel, half barrel, or bag of flour or meal, by him so purchased, and sold or exported.

Governor to appoint the Inspector.

VIII. That the Governor shall, on or before the twenty-fifth day of December next, appoint a competent person as Inspector for the Parishes of St. Philip's and St. Michael's, who shall hold his office for two years, and who shall give bond to the State of South Carolina, with good security, to be approved by the City Council of Charleston, in the penal sum of two thousand dollars, conditioned for the faithful discharge of the duties of the said office.

Provision for appointment of Deputy.

IX. That, in case of sickness, or temporary absence of the Inspector, or, if necessary for the convenient dispatch of the duties of his office, he is hereby empowered to appoint a deputy, to act for him during such sickness, absence, or such time as he may think proper, who shall also be made liable to the same penalties, and shall take the oath hereinafter prescribed.

Oath prescribed.

X. That the Inspector of Flour and Meal, under this Act, shall, before he proceeds to perform the duties, make oath or affirmation, as the case may be, before the Clerk of the Court of Common Pleas, that, without fear, favor or affection, malice, partiality, or respect of persons, he will diligently and carefully examine and inspect, to the best of his skill and ability, all flour or meal offered to him for inspection, and that he will brand, or cause to be branded as merchantable, all barrels, half barrels, or bags of flour or meal that do appear sufficiently sweet and sound, and no other, according to the best of his knowledge and judgment.

Fines, disposal of.

XI. That all fines and forfeitures incurred under the provisions

of this Act, shall be recovered by indictment, and appropriated, one-half to the informer, and the other half to the use of the State.

A. D. 1850.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES AND COMPANIES, No. 4005.
AND TO REVIVE AND AMEND CERTAIN CHARTERS HERETO-
FORE GRANTED.

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or may hereafter become, members of the following religious Societies and Associations, to wit: "Antioch Baptist Church," in Kershaw District; the "Church of the Holy Communion," in Cannonsborough; "Roberts' Church," in Anderson District; "Red Oak Grove Church," in Edgefield District; "Mount Tabor Church," in Edgefield District; "The Church of the Advent," in Spartanburg District; "The Six and Twenty Baptist Church," in Anderson District; "Sandy Springs Camp Ground," in Anderson District; "Calvary Church," at Glenn's Springs, in Spartanburg District; "Pee Dee Lodge, No. 12, Independent Order of Odd Fellows," at Darlington Court House; "Kershaw Lodge, No. 9, Independent Order of Odd Fellows," in the town of Camden; "Pine Grove Church" and "Trinity Church," in St. Matthew's Parish; "Morris Street Baptist Church," Charleston; "Marion Division, No. 2, of the Sons of Temperance," and the "Church and School" at the Nation Ford, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each above respectively assigned. That William M. Wightman, Whitefoord Smith, Hugh A. C. Walker, Joseph H. Wheeler, James Stacey, Nicholas Talley, Charles Betts, William Martin, Samuel W. Capers, Whatcoat A. Gamewell, Robert J. Boyd and David Derrick, with such others as they may associate with themselves and their successors, be, and they are hereby declared to be, a body corporate, in deed and in law, by the name of the South Carolina Annual Conference, and by the said name shall have perpetual succession of officers and members, and a common seal, with power to purchase, have, hold, receive and enjoy in perpetuity, or for any term of years, any estate, lands, tenements or hereditaments, not exceeding twenty thousand dollars in nett annual produce, of what kind soever, and to sell, alien, remise and change the same, or any part thereof, as it shall think proper; and by its said name to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State, and to make such rules and by-laws (not repugnant to the laws of the

Religious and other societies incorporated.

South Carolina Annual Conference.

A. D. 1850.

land) for the regulation, benefit and advantage of the said corporation, and the same to change and alter, as shall from time to time be agreed upon by a majority of the members of the said corporation. The said corporation may take and hold to itself and its successors forever, any gifts, or devises, or bequests, of lands, personal estate, and choses in action, and may appropriate the same for the benefit of the said corporation, in such manner as may be determined by a majority of the members thereof; and the said corporation may become trustee for any religious or charitable use. The said corporation shall, with the consent of a majority of the members of the unincorporated body, now known as the South Carolina Annual Conference, of the Methodist Episcopal Church, South, be vested with all the rights and property belonging to the said last mentioned body, and also belonging to the unincorporated body heretofore known in South Carolina, as the South Carolina Annual Conference of the Methodist Episcopal Church; and the said corporation is hereby empowered to elect or appoint any one or more officers, and the same to change at pleasure, who shall have full authority to receive from any person the possession of any property or moneys belonging to either of said unincorporated bodies, or in which they or either of them have any use, right or claim, and the same to sue for and recover, and the release of the said officer or officers of the corporation shall be a full and sufficient discharge to any person paying over or delivering up any such money or property. That this Act shall be deemed and taken as a public Act, and notice thereof shall be taken in all the Courts of Justice, and elsewhere, in this State, and shall be given in evidence without special pleading. That M. C. Mordecai, Joseph Prevost, James C. Nichols, John Y. Stock, Henry F. Baker, William B. Heriot, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "The South Carolina Floating Dry Dock and Marine Railway Company," for the purpose of docking and taking up ships or vessels with safety, convenience and despatch; also, for according facilities for the unloading and loading of vessels, and the landing, storing and shipping of merchandise and produce, and for the transaction of such business as may be necessarily connected therewith, and may construct such Docks, Railways and other works, as may be required to carry on such branches of business; and they shall have power to raise, by subscription, in shares of five hundred dollars each, a capital of one hundred thousand dollars. That the said company may purchase and hold such real estate in South Carolina, as may be required for the purposes of the said corporation, or such as they may be obliged, or deem it their interest to take in the settlement of any debts due the said corporation, and may dispose of the same, and may sue and be sued in all the Courts of Law and Equity, and may have and use a common seal, and make such by-laws for their regulation and government as they may see proper: *Provided*, They are not inconsistent with the Constitution and Laws of the United States, and of this State. That the said corporation shall not go into operation until fifty thousand dollars of the capital stock shall be paid in gold or silver, or the current bank notes of this State, and an oath or affirmation thereof shall be made by

Floating Dry
Dock and Marine
Railway.

the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in at least two respectable newspapers in the city of Charleston, and it shall be repeated when the whole capital is paid in. That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation, and no part of the said capital stock shall, at any time, or upon any pretence whatever, be loaned to or divided amongst the stockholders, neither shall the capital be withdrawn or divided amongst the stockholders, until all the liabilities of the company are lawfully paid; and no dividends shall be declared, except from the nett earnings of the company. Each stockholder shall have one vote for each share he may own or represent at the election of Directors, and at all meetings of the company. That if the proprietor of any share shall neglect to pay any instalments assessed thereon, for the space of fifteen days after the time appointed for the payment thereof, the Treasurer of the company, by the order of the Directors, may sell, by public auction, a sufficient number of such delinquent's railway shares to pay all instalments then due from him, with all necessary and incidental charges. The Treasurer shall give notice of the time and place of such sale, and of the sum due on each share, by advertising the same three weeks successively, before the sale, in some newspaper published in the city of Charleston, and a bill of sale of the share so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof. That the said M. C. Mordecai, Joseph Prevost, James C. Nichols, John Y. Stock, Henry F. Baker and William B. Heriot, whenever fifty thousand dollars of the capital stock shall be paid in as aforesaid, shall be authorized to convene the stockholders, by giving them one week's notice in writing, or in a public newspaper published in the city of Charleston, who may then meet and proceed to elect a President and four Directors for conducting the affairs of the company, and they to hold office until their successors shall be elected; and such Directors or their successors, shall have power to dispose of the remainder of the said capital stock which may not have been subscribed for, in such manner and at such time as they may deem fit. The stockholders may, at any meeting regularly convened, subdivide the shares into shares of smaller amount: *Provided*, That the said capital stock shall not be thereby diminished: *Provided*, The said company shall, within two years from this time, complete their marine railway, and have the same used or worked with steam power.

II. The societies and associations aforesaid shall have succession of officers and members, according to their respective by-laws, and shall each have power to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any Court in this State, and to have and enjoy every right incident to incorporations. They are hereby respectively empowered to retain, possess and enjoy all such property, real and personal, as they may severally possess or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them, and to sell, alien, or transfer the same or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of ten thousand dollars.

A. D. 1850.

Provision for officers, and to make by-laws.

Right to hold property.

A. D. 1850.

Military and
fire companies.

III. That the officers and members of "The Richland Light Dragoons," attached to the 5th Regiment of Cavalry; the officers and members of "The Roebuck Band," attached to the 45th Regiment, South Carolina Militia; "The Protection Company of Charleston," with the rights and privileges usually extended to fire companies in the city of Charleston, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each above respectively assigned. They shall have succession of officers and members, according to their respective by-laws; and they are hereby empowered to make by-laws not repugnant to the laws of the land, to have a common seal, to sue and be sued, and to have and enjoy every right incident to incorporations.

Congaree
Jockey Club.

IV. That the officers and members of the Congaree Jockey Club of Columbia be, and the same are hereby, declared a body politic and corporate, by the name and style of "The Congaree Jockey Club." They shall have succession of officers and members, agreeably to their by-laws, and shall have power to make by-laws not repugnant to the laws of the land: to have, use and keep a common seal, to sue and be sued in any Court of this State, and to have and enjoy every right incident to incorporations. And the said corporation is hereby empowered to retain, possess, and enjoy such property, real or personal, as they now have, or may hereafter be in any manner acquired by them; and to sell and transfer the same or any part thereof: *Provided*, That the value of said property so held shall at no time exceed twenty thousand dollars.

Term of char-
ters.

V. That the charters of the several societies, companies and associations aforesaid, shall continue in force for the term of fourteen years.

Certain com-
panies, socie-
ties and towns
rechartered.

VI. That the several Acts heretofore passed and now in force, incorporating the following companies, societies and towns, be, and the same are hereby, revived and declared of force, for the term of fourteen years, to wit: The Protestant Episcopal Church in Columbia, under the name of "Trinity Church, Columbia," "St. Matthew's Church" in Orangeburg District; "The Antioch Baptist Church" in Darlington District; "The Beach Branch Baptist Church," St. Peter's Parish; "The Vigilant Fire Engine Company" in Charleston; "The Charleston Typographical Society;" "The Charitable Society of the Cadet Riflemen" in Charleston District; "The Village of Lancaster;" "The Town of Summerville;" and the aforesaid companies, societies, and towns, are hereby invested with all the powers and privileges, and subject to the same restrictions as declared by the several Acts creating them bodies politic; except as to the village of Lancaster, which is hereby invested only with the powers and privileges conferred by the Act of 1840, and all subsequent amendments.

South Caro-
lina Insurance
Company.

VII. That the 6th Section of an Act entitled "An Act to incorporate the South Carolina Insurance Company," passed on the 18th day of December, Anno Domini, 1846, be so altered and amended as to authorize and empower said corporations to appoint not less than four nor more than twelve Directors.

Corporate
limits of town
of Winnsboro
extended.

VIII. That the corporate limits of the town of Winnsboro be extended so as to include all that portion of the lands belonging to

the Mount Zion Society, lying north of the said town of Winnsboro, and included between Congress street on the west, and the eastern side of Zion street, extended northwardly until it meets the lands of Dr. William Bratton; the section of land hereby ceded to the said corporation, being bounded on the north-west by lands of said Dr. William Bratton, and the territories hereby included in the said corporate limits be, from and after the passing of this Act, subject in all respects to the provisions of the charter of the said town of Winnsboro, now of force within the limits described in said charter.

A. D. 1850.

IX. That Edward Sebring, Wm. C. Dukes, George N. Reynolds, Jr., Wm. S. Walker, Frederic Richards and Wm. D. Porter, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, under the name and style of the "Magnolia Cemetery Company," and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, to plead and be impleaded in any Court of law or equity, with the other powers usually incident to corporations; and shall have power to purchase, have, hold and enjoy, to them and their successors, a part of the property lately known as Magnolia Farm, in the neighborhood of the city of Charleston, comprising about thirty-five acres, with the privilege of adding thereto not more than twenty-five contiguous acres: *Provided, however,* That the thirty-five acres first mentioned, shall be held and used exclusively as a cemetery, or place of burial for the dead, and that a plat thereof shall be recorded in the office of the Register of Mesue Conveyance for Charleston District, within sixty days after the passing of this Act: *And provided, also,* That in case of any addition thereto as aforesaid, a plat of the land to be added shall also be recorded in the same office, at the time of the dedication thereof to the purpose aforesaid, and that after said record the land described in said plat shall also be held and used exclusively for the purpose of a cemetery or place of burial for the dead. That the persons named above shall be the first Board of Directors of the said Magnolia Cemetery Company, and shall have power (first having the consent of owners thereof) to lay out and ornament the grounds, to remove or alter the old buildings, to dispose and arrange burial lots, and to make such by-laws, rules and regulations, relative to the election of Directors and their successors, and the appointment of suitable officers and agents, and also such rules and regulations, for the government of lot holders and visitors to the cemetery, and for the management of the affairs of the company generally, as from time to time they may deem necessary. That the said Magnolia Cemetery Company shall be able and capable in law to sell and dispose of the above mentioned land for burial lots; and also to have and hold so much personal estate, and no more, as may be necessary for the purpose of this incorporation: *Provided,* That the said land shall never be granted but for burial lots, and that the lots so granted shall be held by the proprietors for the purposes of sepulture alone. That no streets or roads shall hereafter be opened through the land so appropriated, except by and with the consent of this corporation. That any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monu-

Magnolia
Cemetery.

A. D. 1850.

ment, grave stone or structure, placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any Court of General Sessions, be punished by a fine at the discretion of the presiding Justice, according to the aggravation of the offence, if not less than five, nor more than fifty dollars. That the members of said corporation shall be jointly and severally liable for all debts and contracts made by the said corporation, during the period of their membership.

South Carolina Institute.

X. That Wm. Gregg, William Kirkwood, William M. Lawton, Edward C. Jones, L. A. Edmondston, Joseph Walker, George N. Reynolds, Jr., E. W. Edgerton, James H. Taylor, D. N. McIntosh, Lewis M. Hatch, Charles D. Carr, Henry D. Walker, Francis J. Porcher, Wilmot G. DeSaussure, C. Y. Richardson, William Leiby, and the other members of the South Carolina Institute for the Promotion of Art, Mechanical Ingenuity and Industry, and such persons as may hereafter become members thereof, and their successors, officers and members, shall be, and the same are hereby declared to be, a body corporate and politic, in deed and in name, by the name of the "South Carolina Institute for the Promotion of Art, Mechanical Ingenuity and Industry," and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter, break and make new the same as often as the said corporation shall judge expedient; and the said corporation shall be liable and capable in law to purchase, have hold or receive, enjoy, possess and retain to itself and its successors, in perpetuity, any and every estate, real or personal, whether accruing to the same by gift, purchase, devise or conveyance, not exceeding in value fifty thousand dollars; and the same, or any part thereof, to sell, alien, demise or exchange, as often as the said corporation may deem proper; and by its name to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of law or equity in this State; and to make all such by-laws and rules for the government of the said corporation as may, from time to time, be deemed necessary: *Provided*, Such by-laws and rules be not repugnant to the laws of the land: *And provided*, The same be made by such majority or quorum as may, by the laws of the said society, be declared competent to make the same. That the principal end of the said corporation shall be the promotion of arts, mechanics and other industry and ingenuity, through an annual fair and other appropriate means, and according to such rules and regulations as they may see fit to establish.

Plank road companies.

XI. That all companies for the construction of plank roads which shall hereafter receive charters from the State shall have all the powers and privileges, and be subject to all the sureties, liabilities and other provisions contained in this Act, unless the company be specially exempted therefrom by Act of the Legislature. Companies for the construction of plank roads may hereafter be formed and receive their charters in the following manner: Whenever it is desired to construct a plank road between any two points in the State, public notice thereof shall be given by advertisement at the Court House of such District in which any part of the said road is

intended to be located, and in some gazette in each of the said Districts, if any be published therein, and also in at least one daily gazette in Charleston and Columbia, for the space of one month. The notice shall specify with reasonable certainty the intended route of the road, and the amount of capital which it is proposed to raise for its construction. At the time of making the publication a copy shall be sent to the Executive office of this State. At the expiration of the time of advertisement books for subscription to the stock shall be opened at such times and places, and by such Commissioners, as shall be designated by the Governor. The Commissioners shall proceed, at the appointed times and places, to open the books for subscriptions to the capital stock of the company, (which shall be subdivided into shares of the value of twenty dollars each,) and shall receive the first payment of five dollars in each share. In case of under subscription, they shall report the fact to the Governor, who may authorize the re-opening of the books at such further times and places as he may appoint. In case of over subscription they shall reduce the subscription rateably, except that no subscription of five shares or under shall, in the first instance, be reduced. In all cases a report of their proceedings shall be transmitted by the Commissioners to the Governor. As soon as the requisite number of shares shall be subscribed such of the Commissioners as may be designated shall appoint a convenient time and place for the meeting of the subscribers, and cause it to be advertised for a reasonable time. At that time and place the subscribers may appear in person or by proxy, and the meeting having assembled, a proper registry shall be made of the shares represented, and the subscribers shall vote for a President and such number of Directors as they may choose, to serve for one year, and until a new election be made. The President and Directors shall immediately prepare, under their hands and seals, a statement of their election, of the number of shares subscribed for, the amount paid over to them by the Commissioners, and the corporate name which they desire to assume for the company, and shall transmit the statement to the office of the Secretary of State, either in Charleston or Columbia, for registry in both places. Upon receipt of such statement the Secretary of State shall issue his certificate, under the seal of the State, testifying that the provisions of this Act have therein been complied with, and upon the signature of the certificate by the Governor the company shall be considered as formed, and an Act of incorporation shall immediately attach. Plank road companies incorporated by virtue of this Act shall have perpetual succession of members, and be capable, in their corporate name, to sue and be sued, answer and be answered, appear, defend and prosecute to final judgment, decree and execution in all Courts. They shall have the capacity to have a common seal, to elect, in such manner as they shall determine to be proper, all necessary officers, whose election is not otherwise herein provided for, and fix their compensation and define their duties and obligations; to make by-laws and regulations consistent with the Constitution and laws of the State for their own government, and for the due and orderly conducting of their affairs and the management of their property. They may make, purchase, or otherwise take and hold, any land necessary for the site on which

A. D. 1850.

Publication
of notice.Books to be
opened for sub-
scription to
stock, &c.When the
company shall
become incor-
porated.To choose of-
ficers and make
by-laws.

A. D. 1850. to locate, run and establish their plank road, and also all private rights of way, water courses, or other easement which may lie on or along the route through which such plank road shall pass, and may conduct their plank roads across and over any public road, river, creek, water course or waters that may be on the route, but in such manner as shall not obstruct the passage of the public road or navigation of the stream. The immediate direction of the affairs of such companies shall be vested in a President and Directors, to be chosen annually, according to by-laws to be made for such purpose. In case of vacancies they may be filled by appointment until the next election. If the day of annual election pass without an election being effected, the company shall not be dissolved thereby, but it shall be lawful on some other day to make such election, in such manner as the by-laws of the company shall determine. The President and Directors shall be styled the Board of Direction. At meetings of the company each member shall be entitled to one vote for each share held by him, which he may cast either in person or by proxy, but no one but a stockholder shall be a proxy. Lands or private rights of way for the purpose of such roads, which cannot be purchased from the owner for want of agreement, or from any other cause, may be taken by the company at a valuation to be made by Commissioners appointed by the Court of Common Pleas of the District in which any part of the land or right of way may be situated. The Commissioners, before acting, shall be sworn before some Magistrate, faithfully and impartially to discharge the duty assigned them. Their proceedings, accompanied with a full plat and description of the land, shall be returned under their hands and seals to the Court from which the commission issued, there to remain of record. Either party may appeal from this valuation at the next session of the Court granting the commission, giving fifteen days' notice to the opposite party of such appeal, and the Court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and the verdict shall be final and conclusive, unless a new trial be granted, and the land or right of way so valued by Commissioners or jury shall vest in the company in fee simple, so soon as the valuation be paid, or tendered and refused. The pendency of an appeal by either party from the valuation of the Commissioners shall not prevent the company from proceeding in the construction of their works in and upon the land or right of way; but if the appeal be made by the company, it can proceed only upon giving to the opposite party a bond with good security, to be approved by the Clerk of the Court when the valuation is returned, in a penalty of double the said valuation, conditioned for the payment of the valuation and interest in case the valuation be sustained, and for payment of the valuation made by the jury and sustained by the Court in case it be reversed. In all such assessments made by the Commissioners or jury, after the construction of the road or its appurtenances upon the land, reference shall be had to the true value of the land at the time the construction was begun. The land covered by the road, and the space of twenty-five feet on each side, shall be decreed as in the actual possession of the company. A majority of the Commissioners shall be competent to perform the duties required in this Section of the Commissioners.

Vacancies—
how filled.

Votes.

Disputed valuation of land,
how settled.

Right of appeal.

Nothing in this Act contained shall authorize any plank road company to take or invade, without the consent of the owner, any dwelling house, yard, garden, grave yards, or ornamental trees. In the absence of any written contract between any company and the owner of land through which a plank road has been constructed, it will be presumed that the land covered by the road, with twenty-five feet on each side from the centre of the road, has been granted to the company by the owner, and the company shall have good right and title to it, and shall hold it, unless the owner, or some one claiming under him, shall apply for an assessment of the value of the land, as before directed, within five years after the construction of the road through the land. If within that time no application be made for assessment by the owner, or some one claiming under him, he and they shall be barred forever from recovering the same, or having any compensation; but this limitation of time shall not affect the rights of *feme covert*s, infants, or lunatics, until two years after the removal of their respective disabilities. The President and Directors shall have power to require from the subscribers and stockholders, such advances and instalments on their respective shares as in their opinion the wants of the company shall require, until the whole of the subscription shall be paid; and if any subscriber or holder of stock in plank road companies shall neglect to pay the instalment required of him, within thirty days after the time specified therefor, by advertisement in two or more public gazettes, the President and Board of Directors, after giving thirty days' notice of their intention, may proceed to sell, at public auction, the shares upon which such instalment may be due, and the same shall be transferred to the purchaser. If such shares shall sell for more than the instalment due, with interest and charges of sale and notice, the subscriber or stockholder shall be entitled to the surplus. If such share shall not sell for a sum sufficient to pay the instalment, with interest, and charges of sale and notice, the subscriber or stockholder shall be held liable to the corporation for the deficiency. A purchaser of stock, under such a sale, shall be subject to the same rules and regulations as the original subscriber, and no sale by the original subscriber of stock, or his assignees, shall release him from his obligation to the company to pay the whole amount of his subscription. The members of such corporation shall be liable, jointly and severally, for all debts and contracts made by such corporation, until the whole amount of capital stock shall have been actually paid in; and no note, bond, or obligation given by any stockholder, whether secured by a pledge of the stock in such corporation, or in any other manner, shall be considered as payment of any part of the capital stock. The total amount of debts which such corporation shall at any time owe shall not exceed the amount of its capital stock, actually paid in, and, in case of excess, the Directors in whose administration it shall occur shall be jointly and severally liable for the same in their natural capacities, as well to the contractors of the other part as to the corporation; such of the Directors as may have been absent when the said excess was contracted or created, or who may have voted against such contract or agreement, and caused the vote to be recorded in the minutes of the Board, may respectively prevent such liability from attaching to

A. D. 1850.

Presumptive titles.

Instalments, when to be paid.

Liabilities of members.

A. D. 1850.

Shares deemed
personal es-
tate.Roads, how
to be con-
structed.Time for com-
pletion.

Penalties.

themselves, by forthwith giving notice of the fact to a general meeting of the stockholders, which they are hereby authorized to call for that purpose. No part of the capital stock of such companies shall, at any time, or upon any pretence whatever, be loaned to the stockholders, neither shall the capital be withdrawn or divided among the stockholders until all the liabilities of the company are lawfully paid, and no dividends shall be declared, except from the nett earnings of the company. The Directors consenting to such withdrawal or division of the capital before the debts are paid, or the dividends out of the capital stock, shall be liable, jointly and severally, personally, for the debts of the company, to an amount equal to the portion of capital which has been withdrawn or divided, or the dividend declared out of the capital stock. The shares in the capital stock of such corporations shall be deemed personal estate, and the mode of issuing the evidence of stock, and the manner of assigning and transferring shares, shall be prescribed by the by-laws of each corporation, subject to the general law of the land respecting the transfer and assignment of personalty of that nature. Persons holding stock in such companies as executors, administrators, trustees, or guardians, or holding by way of collateral security, shall not be personally subject to the liabilities of stockholders under this Act; but the person pledging such stock shall be liable as stockholder, and the estates and funds in the hands of such executors or administrators, trustees or guardians, shall be liable in their hands in like manner, and to the same extent as the deceased testator or intestate, or the ward or person interested in such trust fund would have been if they had respectively been living and competent to act and hold the stock in their own names. Roads constructed by such companies shall be constructed so as to make, secure and maintain a smooth and permanent road, the track of which shall be made of plank, timber, or other like material, so that the same shall form a hard and even surface, and so as to permit all carriages and vehicles to pass on and off where such roads are intersected by other roads of any kind. Companies under this Act shall have four years to construct and complete such roads. Whenever three consecutive miles of any such road are completed, it shall be lawful for the company to erect turnpikes or toll gates thereon, and to appoint toll gatherers to charge and collect toll. Toll gates shall thereafter be put up at such points as the company may select, and such rates of toll shall be collected as they may arrange, but the rates of toll shall always be put up to public view at all toll gates. The toll gatherers at each and every toll gate may prevent from passing the gate, or detain until the toll be paid, any carriage, wagon, vehicle, or animal subject to toll. Any person who shall forcibly or fraudulently pass any toll gate erected on such roads without having paid the legal toll, or who shall turn out of the road with his carriage, vehicle or animals, to avoid payment of the tolls, and again enter on the road, shall, for each offence, forfeit to the company a sum not exceeding twenty dollars, to be recovered before any neighboring Magistrate. Any person who shall wilfully or maliciously break or throw down any gate on such road, or who shall wilfully and maliciously destroy or injure any portion of said roads, shall be liable to indictment as for a misde-

meanor, and, upon conviction, shall be fined and imprisoned at the discretion of the presiding Judge. The Board of Direction shall, from year to year, make report to the Legislature, under oath, of their acts and doings, receipts and expenditures, condition and business of the road, the first of which reports shall be made within one year after the organization of the corporation, and the others shall be made on the first of October in every succeeding year. Their books shall at all times be open to the inspection of any committee of the Legislature appointed for that purpose; any such corporation refusing or neglecting to make such return, shall forfeit, for every neglect or refusal, a sum not exceeding two thousand dollars. Plank road companies obtaining charters by virtue of this Act, shall not be subject to any of the provisions or enactments contained in an Act entitled "An Act establishing the principles upon which companies shall be incorporated, and the charter of ferries, bridges and turnpike roads, shall be hereafter granted, and for other purposes therein expressed," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven. For all services required under this Act, the Secretary of State shall be entitled to receive, from every such company, the sum of five dollars, and no more. All charters which attach under this Act shall be taken and held for the term of fourteen years. And it shall be lawful for such companies to conduct their roads along or upon any highway or public road on such terms and conditions as may be agreed upon between such companies and any Board of Commissioners of Roads.

XII. That, for the purpose of establishing a communication by rail or plank road from the Cove on Sullivan's Island to the Moultrie House, or to the east end of the island, the formation of a corporate company is hereby authorized, to be called the "Sullivan's Island Rail or Plank Road Company;" which company, when formed in compliance with the conditions hereinafter prescribed, shall have corporate existence as a body politic in this State. That said company is hereby authorized to construct a rail or plank road from the Cove on Sullivan's Island to the Moultrie House, and from thence to the east end of the island, in their discretion, by a route to be determined by said company, after the same shall have been formed: *Provided*, That the Town Council of Moultrieville shall give their assent to the same. And, also, that the said road shall pass along streets now existing on the said island, or which shall be established by the Town Council of Moultrieville, by virtue of the power vested in them. That, for the purpose of raising the capital stock of said company, it shall be lawful to open books in the city of Charleston, under the direction of John Heart, L. A. Edmondston, Jas. W. May, and at Moultrieville, under the direction of P. J. Porcher, M. P. Matheson and H. T. Street, and at any other places in the State of South Carolina, under the direction of Commissioners designated by a majority of the aforesaid Commissioners in the city of Charleston, for the purpose of receiving subscriptions, to an amount not exceeding fifteen thousand dollars, in shares of one hundred dollars each; the amount so subscribed to constitute a joint stock capital, for the purpose of constructing and carrying into operation the rail or plank road by this Act provided for.

A. D. 1850.

Directors to report annually to Legislature, &c.

Fees of Secretary of State.

Term of charters.

Sullivan's Island Rail or Plank Road Company.

A. D. 1850.

Amount of
shares.

That the times and places for receiving such subscriptions shall be fixed by the Commissioners in the city of Charleston, or a majority of them, and shall be advertised for thirty days in one or more of the newspapers in this State, and the books for receiving subscriptions shall be kept open for sixty days at each of the places where the same shall be opened. That on each share of the stock subscribed the subscriber shall pay to the Commissioners, who shall take the subscription for the same, the sum of five dollars in specie, or the notes of specie paying banks of this State, the said Commissioners giving a receipt or certificate for the same. And at the expiration of the time hereby prescribed for keeping open the books the said Commissioners and others, receiving subscriptions, shall deposit the sums received by them in some specie paying bank in this State, and shall make a return of the subscriptions taken by them, and the sums paid thereon to the Commissioners in the city of Charleston. That when the sum of five thousand dollars shall be subscribed for, in the manner herein prescribed, the subscribers shall be, and they are hereby declared to be, incorporated into a company, by the name and style of "The Moultrieville Rail or Plank Road Company;" and may meet and organize the said company, at such time and place as may be designated by a majority of the Commissioners herein named for the city of Charleston. That, for the purpose of organizing and forming this company, all the power conferred by the charter of the Wilmington and Manchester Railroad Company, on the Commissioners therein named, shall be vested in the Commissioners hereby appointed in the city of Charleston; and all the powers, rights and privileges granted by the charter of the Wilmington and Manchester Railroad Company, to that company, shall be, and are hereby, granted to the Moultrieville Rail or Plank Road Company, and subject to the conditions therein contained, except as to the amount of the capital stock, the amount of shares, and the sum necessary to authorize organization, and except in so far as the special provisions of this Act may otherwise require the same to be modified or varied.

Moultrieville
Rail or Plank
Road Com-
pany.Greenville
Plank Road
Company.Camden and
Munroe Plank
Road Com-
pany.South Caro-
lina Plank
Road Com-
pany.The Moultrie
House Com-
pany.

XIII. That George F. Townes, Peter Cobble, and their associates, be, and they hereby are incorporated as a body politic and corporate, under the style and title of the "Greenville Plank Road Company."

XIV. That William E. Johnson, John M. DeSaussure and Thomas W. Huey, with their associates, be, and are hereby, declared a body politic, under the style and title of the "Camden and Munroe Plank Road Company."

XV. That J. C. Reedy, Tilman Watson, and their associates and successors, be, and they hereby are, created a body politic and corporate under the style and title of the "South Carolina Plank Road Company."

XVI. That H. W. Conner, Charles T. Lowndes, L. T. Potter, C. D. Carr, Hon. William Aiken, Dr. Henry R. Frost, Col. James Gadsden, Charles Jugnot, O. Mills & Co., H. K. Banks, C. M. Arnold, Robert Martin, Charles Alston, Daniel Heyward, James Chapman, J. K. Robinson, Charles J. Manigault, Gourdin, Matheison & Co., Robert Adger, Cay & Avillie, Hyatt, McBurney & Co., W. B. Pringle, George A. Hopley, W. M. Martin, Matheison & Simmons,

George S. Cameron, W. C. Gatewood, Charles N. Hubert, E. W. Walter, Edgerton & Richards, James McBeth, George Robertson, Carew & Hart, Mitchell & Mure, Paul & Brown, Klinek & Wickenburg, Ravenel, Brothers & Co., John Frazer & Co., James P. Earle, A. R. Taft, J. F. O'Neill, Robert Hume, Richard Yeadon, J. S. Howell, John H. Summers, Henry Misroon, H. Vincent & Son, James Welsman, James R. Pringle, Daniel E. Huger, Jr., J. B. Ulm, Glover & Davis, Steinmeyer & Clark, Trout & Delange, J. P. Stewart, A. McGee, James Bancroft, Joseph Provost, W. C. Dukes, E. & L. Kerrison, H. A. Middleton, E. P. Lemay, Robert L. Miller, Brown & Stone, H. F. Strohecker, N. M. Potter, J. C. Blum, H. H. Williams, G. Follin, T. A. Horton, W. G. Gayer, J. E. Spear, John Seigling, O. J. Chaffee, and their associates, successors and assigns, are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the "Moultrie House Company," and by the said name shall have perpetual succession of officers, and a common seal, with power to change or alter the same at their pleasure. That the following shall be the fundamental articles of said association: 1st. The capital of the company shall not exceed fifty thousand dollars, divided into shares of two hundred and fifty dollars each. 2nd. The affairs of the company shall be managed by a President and six Directors, to be chosen annually by the stockholders; and three Directors, with the President, shall constitute a quorum for business. 3rd. The election for President and Directors shall be held on the first Monday in June of each year, each share being entitled to one vote in such election, at which time the President and Directors shall lay before the stockholders a statement of their affairs, and either then, or at such other time as they may deem proper, make such dividends as the profits of the concern may justify. That the said corporation shall be able and capable in law, to purchase, have, hold, possess and enjoy in perpetuity, or for any term of years, to the extent of their capital aforesaid, any lands, tenements, hereditaments of any kind or nature whatsoever, and to sell, alien or release the same, and shall, by its corporate name, be capable of suing and being sued, impleading and being impleaded, in any Court of law or equity in this State. That the President and Directors shall have power to make all necessary contracts for the erecting and completing the Moultrie House and appurtenances belonging to the same, or for work or materials to be used in its construction, and when completed, to lease or rent the same, and, with the consent, and under the direction of the stockholders, or a majority of two-thirds of them, to sell and convey the property; and the said President and Directors shall have power to do and perform all acts and things necessary to carry into effect the objects for which the company is established, and to that end to use and employ the stock and funds of the company, and to bind, by their contracts, or their deeds, or writings, under the seal of the corporation, and the hand of the President, the persons and separate property of themselves and stockholders, until the whole capital is paid in gold or silver or current bank notes of the State, and after the capital has been paid in, in manner aforesaid, and the proof thereof furnished, the personal liability of the stockholders shall cease, and the property and estate, common

A. D. 1850.

Articles of
association,
&c.

A. D. 1850.

Term of incorporation, &c.

Savannah Plank Road Company.

King's Mountain Iron Company.

Marine Church of Charleston.

Town Council of Beaufort.

Powers conferred.

Central Plank Road Company.

stock and joint funds of the corporation alone shall be liable. That this Act shall be taken and deemed as a public Act, and shall be continued of force for twenty-one years. And nothing in this Act of incorporation shall be construed to conflict with the rights of the State to the land on which the Moultrie House is now built.

XVII. That J. J. Blackwood, Charles Hammond, Robt. Merriweather, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the style and title of the "Savannah River Plank Road Company."

XVIII. That the charter of "The King's Mountain Iron Company" be, and the same is hereby, continued to them, and the said company is hereby re-incorporated for the term of twenty years from the expiration of its existing charter.

XIX. That the fourth Section of an Act to incorporate the Marine Church of Charleston, and for other purposes, passed the nineteenth day of December, eighteen hundred and forty-nine, be amended to read as follows: "That, in case of any vacancy or vacancies, by death, resignation, or otherwise, in any of the said Trusteeships, then the Church or Churches, in which such vacancy or vacancies shall occur, shall fill the same within six months after notice thereof, by electing a Trustee or Trustees, from among the communicant members of the Church or Churches in which the vacancy or vacancies shall have occurred, otherwise the Trustees of the Marine Church shall elect a Trustee from the communicant members of the Church in which the vacancy occurred."

XX. That the Town Council of Beaufort shall have power to make such assessments on the inhabitants of the town of Beaufort, or those persons who hold taxable property therein, as shall appear to them expedient for the safety, convenience, benefit, and advantage of said town; and, also, to appoint all such officers, and affix their salaries and fees, as may be necessary to carry out the provisions of this Act; and, also, to make all by-laws, regulations and ordinances as may be thought proper for the good order and government of said town. And that all Acts and parts of Acts heretofore passed, which are inconsistent with or repugnant to this Act, be, and are hereby, repealed.

XXI. That H. A. Kenrick, J. H. Anderson, Josiah Sibley, W. W. Sale, and A. Burnside, and their associates, be, and they are hereby, incorporated as a body politic and corporate, under the name and style of the "Central Plank Road Company."

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE COMMERCIAL INSURANCE COMPANY.

A. D. 1850.

No. 4006.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall become stockholders, in the manner hereinafter prescribed, shall thereupon become, and they and their successors and assigns shall be, one body politic and corporate, under the name, style and title of "The Commercial Insurance Company."

Title of Commercial Insurance Company.

II. The capital stock of the said company shall be two hundred and fifty thousand dollars, which shall be divided into ten thousand shares of twenty-five dollars each, and shall be raised in the following manner: The following persons shall be, and they are hereby appointed Commissioners, to receive subscriptions on the several plans hereafter named: James K. Robinson, A. R. Taft, Robert Adger, Edward L. Trenholm, Louis D. Mowry and William B. Heriot; and said Commissioners, or a majority of them, shall, at Charleston, on the second Monday in January next, and the day following, from nine o'clock of the forenoon, until five o'clock of the afternoon of each day, at such place in Charleston as they shall appoint, receive subscriptions to the capital stock of the said Company, from all persons offering to subscribe thereto, and paying, at the time of subscribing, five dollars per share: *Provided*, That the said Commissioners shall give at least ten days' notice, by advertisement in two gazettes, published in the city of Charleston, of the time and place of receiving such subscriptions.

Capital, \$250,000.
10,000 shares at \$25 each.
Commissioners.

Mode of raising capital.

III. And such said subscribers, paying their subscription money respectively, shall form the company above mentioned, upon complying with the conditions, and being subject to the clauses hereinafter set forth.

Subscribers to form the Company.

IV. If more than ten thousand shares shall be subscribed, the Commissioners shall distribute the ten thousand shares of which the capital stock of the said company is to consist, among the subscribers, as nearly as may be, in the proportion to the number of shares subscribed by them respectively: *Provided, always*. That subscriptions of five shares or less shall not be reduced, unless the whole number of shares subscribed cannot be otherwise reduced to ten thousand.

Mode of reduction in case of over subscription.

V. In case the number of shares subscribed on the two days hereinbefore appointed for receiving subscriptions, shall be less than ten thousand, the Commissioners shall receive further subscriptions, not exceeding such number of shares as, with those already subscribed, shall make up the number of ten thousand shares, at any time during one year next following the said second Monday in January next.

Books kept open in case ten thousand shares are not subscribed the first ten days.

VI. The said company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises, incident to a corporation, and shall be capable of taking, holding, and disposing of their capital stock, according to such rules, regulations and institutions as they may from time to time establish; and also, of taking, holding, and disposing of or investing, as the said corporation shall from time to time judge fit, the increase, profit, or emolument of

Succession of officers and members, &c.

A. D. 1850.

Power to
make rules and
by-laws.

Authority to
appoint a Pre-
sident and
eight Direc-
tors.

Right to hold
lands and real
estate and sell
the same.

To underwrite
marine policies
assurance, &c.

Also, policies
of indemnity
against fire on
buildings, &c.

Make insur-
ance on lives,
and purchase
annuities, &c.
To loan money
on bonds, &c.

Proviso.

Dividends not
to exceed 12
per cent.

their said capital stock, to their own use; and shall have full power and authority to make, have, and use a common seal, and with such device and inscription as they shall deem proper, and the same to break, alter and renew, at their pleasure; and by the name, style and title aforesaid, shall be able and capable, at law and equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all or any of the Courts or tribunals of this State, in all manner of suits, pleas and demands whatsoever; and they are hereby authorized and empowered to appoint a President, and other officers and eight Directors, at such periods, and with such duties, as they shall see fit, and also to make rules, by-laws and ordinances, and do every thing needful for the good government and support of the affairs of the said corporation, and for restoring their capital stock when diminished by losses: *Provided, always,* That the said rules, by-laws and ordinances, shall not be repugnant to the Constitution and laws of the United States or of this State.

VII. The said corporation shall have a right and power to purchase, acquire, take, and hold, in the said corporate name, lands and real estate, and the same to demise, grant, sell, assign, and convey, in fee simple or otherwise: *Provided,* The clear yearly income of the real estate so to be held shall not at any time exceed ten thousand dollars.

VIII. The said corporation shall, by their said name, and by the signature of their President for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity as they shall, from time to time, in and by their rules and by-laws, ordain and appoint, have a right to make contracts, and underwrite policies of assurance and indemnity upon marine risks, whether of vessels or goods and merchandise, in whole or in part, foreign and domestic, whether lying in foreign ports, or shipped upon the high seas, or in any ports of the United States, or within any of the rivers, bays, creeks, canals, or waters of this State, lying or being or laden; and also, in like manner, to make contracts, and underwrite policies of insurance and indemnity against fire, on all buildings, goods, wares and merchandise, and property liable to destruction or accident, by or from fire, or the effects thereof, situate, lying, being, or deposited in this State, or elsewhere; to lend or advance money upon bottomry or respondentia; to make insurance on lives; to grant and purchase annuities; to lend money on the security of real and personal property, bonds, bills, or promissory notes; to make any other contingent contract involving the duration of life; and generally to transact and perform all the business relating to the objects aforesaid, according to the usage and custom of merchants; and by such contracts effectually to bind and pledge their said capital stock: *Provided,* That it shall not be lawful for the said company to lend money on the security of their own stock.

IX. No dividend shall be declared exceeding twelve per cent. per annum upon the capital of the said company; and any excess of profits made at any time, or from any source, above such per centage, shall be carried to a surplus fund, to meet losses and equalize dividends. If the profits at any time fall below that amount, then, and in that case, the dividends may be increased to that amount from the surplus fund, provided the capital be not thereby reduced.

X. In case of any loss, whereby less than one-third of the capital stock of the said company shall be lost during the continuance of the charter, no dividend shall thereafter be made, until the deficiency shall either be made up by the stockholders or by the company, or until a sum arising from the profits of its business, equal to such diminution, shall have been added to the capital.

A. D. 1850.

Diminution of capital, how to make whole.

XI. If the capital of the said company shall become reduced by losses, below two-thirds thereof, the deficiency shall be made up by the stockholders in six months after such reduction shall occur; and in default thereof, the affairs of the corporation shall be wound up, and they shall cease to do business.

Six months to make up capital in case of reduction by losses.

XII. If the affairs of the corporation are not wound up, as directed in the preceding Section, and they should proceed to do business, then the President and Directors shall be, jointly and severally, liable to make good all engagements of the company, incurred after the reduction of the capital as aforesaid: *Provided*, That nothing in this Section shall be so construed as to extend to any President or Director who shall dissent to the proceedings of the company in these particulars, and who shall enter his protest on the minutes of the Board, and publish the same in the daily gazettes of the city of Charleston, or who shall be absent from the State during the six months in which the deficiency of capital should have been made up.

Liability of President and Directors.

XIII. The said corporation shall be, and they are hereby, invested with full power to enforce upon their members the due observance of all laws, rules and regulations for their better government, under such penalties as they shall, in and by such by-laws, limit and prescribe; and, to this end, if need be, shall and may institute and maintain, in their said corporate name, against any one or more of their members, either at law or in equity, all just and necessary suits, actions and pleas, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the said corporation, any law, usage or custom to the contrary thereof in anywise notwithstanding.

Power to enforce by-laws, &c.

XIV. In all elections and other corporate acts done by the stockholders of the said company, every stockholder being the owner of five shares shall have one vote; every stockholder being the owner of more than ten, and not more than twenty shares, shall be entitled to two votes; and every stockholder being the owner of more than twenty shares, shall be entitled to one vote for every ten shares: *Provided*, That no stockholder shall be entitled to more than forty votes.

Scale of voting.

XV. The whole of the capital of the said company shall be paid in, and satisfactory proof thereof furnished to the Comptroller General, before the said company shall be authorized to commence business.

The whole capital to be paid in prior to commencing business.

XVI. The books of the said company shall be examined, from time to time, by such person or persons as the Legislature may for that purpose appoint; and the persons so appointed shall have full power to examine upon oath, to compel the attendance of witnesses and the production of papers, and inquire into the management of the company; and, in case of mismanagement, or violation of their

Books of the company to be examined.

A. D. 1850.

charter, the said company may be proceeded against by *scire facias* in the Court of Common Pleas and General Sessions for Charleston District, and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Duration of charter.

XVII. This Act shall continue and be in force for twenty-one years, and no longer.

Half the capital to be permanently invested.

XVIII. At least one half of the capital of the said company shall be permanently invested in stock of this State, or the city of Charleston, or of the general Government, or in any other good stocks of incorporate companies within this State; and the company may transfer and sell said stocks, or any part thereof, for the purpose of re-investment, whenever a due regard to the safety of its funds may require: *Provided, however,* That the company shall not deal or trade in buying and selling any goods, wares, merchandise, stocks or commodities whatever.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4007. AN ACT TO INCORPORATE "THE SOUTH CAROLINA ATLANTIC STEAM NAVIGATION COMPANY."

Incorporating clause.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William Aiken, George A. Trenholm, Thaddeus Street, Robert Caldwell, Robert Martin, Henry W. Conner and Richard H. Tucker, Jr., on behalf of themselves and such other persons as now are or hereafter may be associated with them, for the purpose of establishing steam communication between the ports of South Carolina and foreign countries, be, and they are hereby, constituted a body corporate, by the name and title of "The South Carolina Atlantic Steam Navigation Company," to be established in the city of Charleston, South Carolina, and to continue in being for the term of twenty-one years.

Capital stock.

II. The capital stock of this company shall be two hundred and fifty thousand dollars, divided into shares of one thousand dollars each; and the said company shall have the privilege, and are hereby authorized to increase their capital stock to one million of dollars.

Amount of real estate which may be held.

III. The said company shall have power to purchase and hold as much real estate as may be necessary to the transaction of its business, and shall also have power to change, sell and convey the same: *Provided,* The said real estate shall not at any one time exceed in value the sum of one hundred and fifty thousand dollars.

Subscriptions limited.

IV. The capital stock of the said company shall be made up by subscription, and no one person shall be permitted to subscribe for more than twelve shares of said capital stock.

V. Books shall be opened in the city of Charleston, under the inspection of Commissioners hereinafter to be named, to receive subscriptions for the capital stock of said company; and the said books shall be continued open from day to day until one-half the amount of the capital stock shall be subscribed, when the Commissioners shall close the same.

A. D. 1850.

Commissioners to open books of subscription to capital stock.

VI. Before opening the books for subscription ten days' public notice of the time and place of opening the same shall be given by the Commissioners, in one or more of the daily newspapers published in the city of Charleston.

Notice thereof to be given.

VII. At the time of making subscriptions, each person subscribing shall pay, in specie or current bank notes of this State, fifty dollars on each share subscribed for; and all money paid on the share or shares of the capital stock, shall be forfeited to the said company in all cases where the subscriber or subscribers shall neglect or refuse to pay any subsequent instalment or instalments on the day or days appointed for the payment thereof.

Deposit to be paid on each share.

VIII. Robert Martin, George A. Trenholm and R. H. Tucker, Jr., are hereby appointed Commissioners to open the books and receive subscriptions to the capital stock of said company.

Commissioners appointed to open books.

IX. Each subscriber shall pay the assessment made on the share or shares for which he subscribes: *Provided*, The assessment shall not exceed the sum of one thousand dollars on the share, and the profits and losses accruing from the business of the said company shall be shared by each stockholder in the proportion which the number of his shares bears to the whole number of shares constituting the capital stock.

Payments of assessments provided for.

X. No transfer of the capital stock shall be valid unless the same shall be regularly made on the books of the company kept for that purpose.

Transfers of capital stock.

XI. The business of the said company shall be managed by a Board, consisting of a President and ten Directors, all of whom shall be stockholders. They shall hold their offices for one year, and no longer; and, during that time, shall exercise all the powers granted under this charter. They shall be elected annually by the stockholders on the first Monday of January in each year succeeding the date of this charter. The election succeeding the first for President and Directors shall be held at such place in the city of Charleston as a majority of the Board of Directors shall appoint, of which public notice shall be given, in one or more newspapers printed in the city of Charleston, at least ten days previous thereto, and such elections shall be made by ballot; and a plurality of stockholders present, voting according to the following scale of votes, shall control the election, that is to say: Each person holding from one to two shares shall have one vote; from three to four shares, two votes; from four to six shares, three votes; from seven to eight shares, four votes; from nine to eleven shares, five votes; from twelve to fifteen shares, six votes; from sixteen to twenty shares, seven votes; from twenty-one to twenty-six shares, eight votes; from twenty-seven to thirty-three shares, nine votes; from thirty-four to forty shares, ten votes; and for every five shares over forty, one vote additional; and no copartnership, trading under any firm, shall be allowed to give any more votes than if their stock had

Election of officers.

Right of voters.

A. D. 1850.

Saving clause
relative to elec-
tion of officers.

been subscribed by an individual. Any person who is a stockholder may vote by proxy.

XII. In case it should at any time happen that an election of President and Directors should not be made on the day which, pursuant to this Act, it should be made, the said corporation shall not, for that cause, be dissolved; but it shall be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the laws and ordinances of the said corporation.

Appointments.

XIII. Not less than three Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, (except when he may be necessarily absent, in which case a President shall be chosen for the time being.) The President and Directors shall also appoint a Secretary, a Treasurer, and one or more Agents, to whom such compensation and commission shall be given for their services as the President and Directors shall deem proper.

Duties of
President and
Directors.

XIV. The President and Directors shall have power, and it shall be their duty, in order to carry into effect the plan of the company, to appoint such officers as they shall think proper, to regulate the prices of freight and passengers, to direct the days of sailing, to purchase, charter, or cause to be built, as soon as may be, such ship or ships as they shall think necessary and proper. The President and Directors shall also have power to purchase and ship, or order to be purchased and shipped, on account of the company, in vessels belonging to, or chartered by the company, such merchandise as shall be thought advisable; to appoint such agents in foreign ports, or in Charleston, as they shall think proper; to displace any agent or officer at pleasure; to make and establish such by-laws and regulations as they may deem expedient, not contravening any Section of this charter; and generally to do such matters and things in such manner as they may deem advisable.

Power to levy
assessments.

XV. The President and Directors shall have power to levy, from time to time, such assessment as shall be deemed necessary, agreeable to the ninth Section of this charter; and it shall be their duty to make semi-annual dividends of the profits arising from the business of the said company.

Special meet-
ings.

XVI. The President and Directors are hereby empowered to call special meetings whenever they may deem it advisable; and it shall be their duty to call such meetings at the request of ten or more stockholders, whose stock together shall not be less than forty shares; of which meeting the President and Directors shall give at least three days' previous notice.

Secretary to
exhibit com-
pany books.

XVII. In order to give confidence to the public, and that all persons dealing with the said company may know with whom they are so dealing, it shall be the duty of the Secretary, or other person having charge of the books of the company, to communicate, upon reasonable application, to any person or persons, applying therefor, the names of all the stockholders composing, or who had composed, the said company, which communication shall be made at the time of the application.

Exemptions
from taxation.

XVIII. That all persons who may import goods in the ships belonging to the company, shall, during five years, be exempted from all State taxation on such goods as shall be actually so imported,

and it shall be the duty of the Tax Collectors throughout the State to require every importer, making a return of stock in trade, to take the following oath, in addition to the oath now required by law, that is to say: "I, A. B., do solemnly swear (or affirm,) that my return of stock in trade is a full, fair and just return of the account of all moneys invested by me in goods, wares and merchandise of every description, except such as I have actually imported in the ships belonging to "The South Carolina Atlantic Steam Navigation Company." This exemption shall be confined exclusively to the original importer, and the Tax Collector shall require in all cases the production of the original invoice whenever an exemption from taxation shall be claimed on any particular goods imported.

A. D. 1850.

XIX. That three persons, to be appointed by the Governor, be appointed a Commission on the part of the State, authorized and empowered to make a loan to said company of one hundred and twenty-five thousand dollars, for a period of five years, free from payment of interest during said period: *Provided*, The like amount be first subscribed by the individual stockholders, independent of said loan: *And provided further*, and it is a condition on which said loan is made, That all steam vessels constructed by said company, during the said period of five years, shall be subject to the inspection and approval of the commission on the part of the State above named.

Governor to appoint Commissioners to make a loan on certain conditions.

XX. That it shall be the duty of the said Commission to examine and approve the plans, and to inspect and accept said steam vessels: *Provided*, The following requisites are fully complied with, and not otherwise, viz: 1st. That they shall be propellers of at least one thousand tons register. 2d. That their draft shall be suitable and adapted to the bar and harbor of Charleston. 3d. That they shall be capable of a speed, with steam power alone, of at least nine miles an hour. 4th. That said vessels shall be built of such materials, and in such style and manner, and of such strength, as will make them available, in an emergency, for war purposes, and render them easily convertible to such uses.

Duty of Commissioners.

XXI. That the said company shall be required, before the payment of the said sum of money, to bind itself to complete two of said vessels within twelve months from the date of this charter, and sooner if practicable, and to keep said vessels in perfect repair for the period of five years, and to insure the same in the sum of at least one hundred and twenty-five thousand dollars.

Requisitions for company to complete vessels.

XXII. That the two vessels aforesaid shall be mortgaged to the State of South Carolina to secure the payment of the loan aforesaid, and the policies of insurance, aforesaid, shall be assigned to said State.

Vessels to be mortgaged to the State.

XXIII. That it shall be a further condition of the loan aforesaid, and of the acceptance of this charter, that the said company shall hold themselves in readiness, at all times, during five years from date of this charter, promptly, on demand, to transfer and deliver to the State of South Carolina, or its authorized agent, any or all of the steam vessels built under this charter, upon payment by said State of the reasonable value of said vessels, to be ascertained by five Commissioners, two of whom are to be appointed by the Legis-

Vessels may be purchased by the State on certain terms.

A. D. 1850.

Bank of the
State to make
loans.Act may be
modified.

lature, two by the company, and the fifth by the four Commissioners so to be appointed.

XXIV. That the Commissioners aforesaid shall certify to the President and Directors of the Bank of the State, whenever payments are to be made, according to the terms of this charter, whereupon the said President and Directors shall make loans of the said sums to the said company upon the terms hereinbefore provided, and shall take from them the sureties required for the payment of said loans, and at the proper time shall call in the money loaned, and, if necessary, make application of the securities accordingly.

XXV. That the Legislature may, at any time, alter or modify this charter, by the consent of the corporation.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4008. AN ACT TO INCORPORATE THE COLUMBIA INSURANCE COMPANY IN THE TOWN OF COLUMBIA, S. C.

Incorporating
section.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That J. T. Mickle, Jesse Drafts, J. M. Blakely, Robert Cathcart, J. C. Thornton, John Caldwell, Edward Sill, B. D. Boyd, Jas. V. Lyles, J. S. Boatwright, J. H. Wells, A. D. Hitt, A. Neely, Thomas W. Kennedy, and others, who have formed an association under the firm or name of "The Columbia Insurance Company," and their successors and assignees shall be, and they are hereby, erected into one body politic and corporate, in law and in fact, under the name, style and title of "The Columbia Insurance Company," and by the same name, style and title, shall have succession of officers and members, and all the powers, privileges and franchises incident to corporations, and shall be capable of taking, holding and disposing of their capital stock according to their present or future rules, regulations and institutions, and also of taking, holding and disposing of, or investing, as the said corporation shall from time to time judge fit, the increased profits and emoluments of their capital stock to their own proper use; and shall have full power and authority to make, have and use a common seal, with such device and inscription as they shall deem proper, and the same to break, alter and renew at their pleasure; and by the name, style and title aforesaid, shall be able and capable, in law and equity, to sue and be sued, to implead and be impleaded, to answer and be answered unto, in all or any courts or tribunals of this State, in all manner of suits, pleas and demands whatsoever. And they are hereby authorized and empowered to appoint a President, and other officers and Directors, in such num-

Succession of
officers, pow-
ers, &c.

bers, at such periods, and with such duties as they shall see fit; and also to make rules, by-laws and ordinances, and to do every thing needful for the good government and management of the affairs of the said corporation: *Provided, always,* That the said rules, by-laws and ordinances shall not be repugnant to the Constitution and laws of the United States or of this State.

A. D. 1850.

II. That the said corporation shall be, and they are hereby, authorized and empowered to receive subscriptions for capital or stock, to the amount of two hundred thousand dollars; and it shall not be lawful for the said corporation to make any contract of indemnity, or underwrite any policy of insurance upon risk of vessels, or of goods and merchandise, or make any contract of indemnity or underwrite any policy of insurance against fire, or make any insurance on life, or contract for, or grant any annuity, until the sum of one hundred and fifty thousand dollars shall have been subscribed and actually paid; and the said corporation are hereby authorized, at any future period, during the continuance of this charter, to increase their capital stock to any amount not exceeding four hundred thousand dollars.

Amount of capital stock.

Powers to insure.

III. That the said corporation shall have the right and power, by their said name, and by the signature of their President, for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity, as they shall, from time to time, in and by their rules and by-laws, ordain and appoint, to make contracts and underwrite policies of insurance and indemnity upon marine risks of vessels, or of goods and merchandise, in whole or in part, foreign and domestic, whether lying in foreign ports, or shipped upon the high seas, or in any ports of the United States, or within any of the rivers, bays, creeks, canals, or waters of this State, lying, or being laden, or to be laden; and also, in like manner, to make contracts, and underwrite policies of insurance and indemnity against fire, on all buildings, goods, wares, merchandise, and other property, situate, lying, being, or deposited in this State or elsewhere; and also in like manner to advance money upon bottomry or respondentia bonds, and generally to perform and transact all the business relating to the objects aforesaid, according to the usage and custom of merchants, and by such contracts effectually to bind and pledge their said capital stock.

Further powers.

IV. That the said corporation shall have the right and power, by their said name, and in manner and form aforesaid, to make insurance on lives, by sea and on shore, and to contract for, grant and sell annuities and reversionary payment, and generally to make all kind of contracts in which casualties of life and interest of money is principally involved; and to make, execute and perfect such and so many contracts, agreements, bargains, policies, and other instruments as shall or may be necessary, and as the nature of the case shall or may require; and the said corporation shall remain a body politic indefinitely, as far as relates to the contracts permitted to be made by this clause; and if at any time it shall appear to the Legislature that the privileges granted by this clause are injurious to the public welfare, the power thereof to repeal this clause shall not be hereby denied or impaired, but such repeal shall not affect any engagement to which said company or corporation may have be-

Life insurance, annuity, &c.

Duration of corporation.

- A. D. 1850. } come a party previously thereto, and that the said corporation shall have a reasonable time to bring their accounts to a final close.
- To hold real estate, &c. V. That the said corporation shall have a right and power to purchase, acquire, take and hold, in their said corporate name, lands and real estate, and the same to grant, sell, assign and convey in fee or otherwise: *Provided*, The yearly increase of the estate so to be held shall not at any time exceed six thousand dollars.
- To make by-laws. VI. That the said corporation shall be, and they are hereby, invested with full power to enforce on their own members the due observance of all legal by-laws and regulations for their better government, under such penalties as they shall, in and by such by-laws, limit and prescribe, and to that end, if need be, shall and may institute and maintain, in their said corporate name, against any one or more of their members, either at law, or in equity, all just and necessary suits, actions and pleas, for the recovery of all or any sum or sums of money, to the use of said corporation, in as ample manner as suits might be maintained against persons not members of the said corporation, any law, usage or custom to the contrary thereof in any wise notwithstanding.
- Dissolution of company provided for. VII. That on the expiration or dissolution of said corporation, that then, and in such case, the estate by said corporation possessed, shall not escheat, but be vested in the several members of the said corporation in average and proportion to their several and respective shares in the capital stock aforesaid, after payment of the debts of the said corporation.
- Term of duration. VIII. That this charter, (except the fourth clause thereof) shall cease and determine after the lapse of twenty-one years from the date of the same; and that this Act shall be deemed a public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4009. AN ACT TO INCORPORATE THE FURMAN UNIVERSITY.

- Incorporating Section. Trustees. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Wm. B. Johnson, J. R. Kendrick, J. C. Furman, J. O. B. Dargan, J. S. Mims, T. P. Lide, J. Belton O'Neall, A. J. Lawton, J. A. Lawton, S. Furman, M. T. Mendenhall, Z. Watkins, A. Rice, J. Culpepper, R. Furman, T. Curtis, H. D. Duncan, T. Hopkins, W. P. Hill, H. A. Duncan, Isaac Nichols, T. Adams, J. L. Brooks, R. G. Edwards, W. Brooker, and such other persons as shall be elected Trustees by the State Convention of the Baptist denomination in South Carolina, are hereby constituted a body politic and corporate, in deed and in law, by the name of The Furman University; and that by the said name they and their successors

shall and may have perpetual succession, and be able and capable in law to have, receive and enjoy to them, and their successors, real and personal property, not exceeding three hundred thousand dollars. The location of the said University shall be at or near Greenville Court House, in the District of Greenville.

A. D. 1850.

II. That the said Trustees shall continue in office for the term of four years from the passing of this Act, and at the expiration of the said four years, and every four years thereafter, the said State Convention of the Baptist denomination in South Carolina shall elect their successors, the number thereof to be increased or diminished as the said Convention may deem proper. And the Trustees aforesaid shall be capable of doing or transacting all the business and concerns of the said University, but more particularly of electing all the customary and necessary officers of the said institution, of fixing their several salaries, of removing any of them for neglect, misconduct or other cause, of prescribing the course of study to be pursued by the students, and in general of framing and enacting all such ordinances and by-laws not repugnant to the laws of this State as shall appear to them necessary for the good government of the said University.

Term of Trusteeship.

Election of successors.

Powers.

III. That the Trustees of the said University shall and may have a common seal, with liberty to change or alter the same, from time to time, as they shall think proper; and that by their aforesaid name, they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts within this State, and to grant, bargain, sell or assign any lands, tenements, hereditaments, goods or chattels; and to act and do all things whatsoever for the benefit of the said University in as ample a manner as any person or body politic or corporate can or may by law.

Rights conferred.

IV. That the said University may grant to students under its charge diplomas or honorary testimonials, in such form as it may designate. It may also confer such literary honors, degrees and diplomas as are usually granted by any University, College or Seminary of learning in the United States.

Diplomas may be granted.

V. That the State Convention of the Baptist denomination in South Carolina is hereby authorized to make such arrangements with the said University for the transfer of the funds and property of the said Convention, or any part thereof, either absolutely or conditionally, to the said University, as the said Convention shall deem proper.

Funds, how transferred.

VI. That this Act shall be deemed a public Act, and continue of force for the term of fourteen years, and from thence until the adjournment of the next session of the Legislature.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1850.

AN ACT TO INCORPORATE THE SWEDISH IRON MANUFACTURING COMPANY OF SOUTH CAROLINA.

No. 4010.

Incorporating
Section.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Charles W. Hammaraskold, F. R. Wickenburg, Wm. B. Heriot, Hugh P. Cameron, George S. Cameron, Charles H. Panknin, and their associates and successors, are hereby made and created a body politic and corporate, in law, by the name and title of "The Swedish Iron Manufacturing Company of South Carolina," for the purpose of manufacturing iron and other manufactures incidentally connected therewith; and may purchase or erect all such mills or other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription, in shares of one thousand dollars each, a capital stock of fifty thousand dollars.

Right to hold
property.

II. That the said corporation may purchase and hold such real estate in South Carolina as may be required for the purposes of the said corporation, or such as they may be obliged, or deem it for their interest to take, in the settlement of any debts due the said corporation; and may dispose of the same, and may sue and be sued in all Courts of law and equity; may have and use a common seal, and make such by-laws for their regulation and government as they may see proper: *Provided*, They are not inconsistent with the Constitution and laws of the United States, and of this State.

Board of Di-
rectors.

III. The government and management of all the affairs and operations of said company shall be vested in a Board, to consist of a President and four Directors, to be elected annually by the stockholders from amongst themselves, who shall be chosen at such times and places, and according to such by-laws, as the said company may agree on.

Subscription
to be raised.

IV. The Board of Directors may call in the amount of the said capital stock at such periods and in such proportions as they may deem best, by publishing in one or more newspapers in Charleston fifteen days' notice of the amount required, and the time and place of payment, provided that the whole amount of the said capital stock shall be paid in on or before the first day of January of the year 1853. And an oath or affirmation thereof shall be made by the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in two of the Charleston newspapers. And if any stockholder shall fail to pay the amount required, at the time and place designated, interest shall be charged on the amount so called for until it is paid; and upon such failure to pay, the Board of Directors shall again publish a demand for the payment of the sum required, and giving notice that if the instalment called for is not paid at the place appointed, within thirty days, with all interest due thereon, all and every payment before made on the stock of such defaulting stockholder or stockholders, shall be forfeited to the company; and if such instalment, or the portion thereof so called for, shall not be paid in, with interest, within thirty days after the publication of such notice, all the money paid in on the shares of such stockholder or stockholders is hereby declared forfeited to the said company: *Provided*, That in every case where such default is occasioned by the

death of the stockholder, the legal representative or representatives of such stockholder may redeem such stock at any time within one year from such default, by paying up the principal and all interest due thereon.

A. D. 1850.

V. The stockholders of said company shall hold certificates of their stock, signed by the President and Secretary, which certificate shall be assignable and transferred in such manner and form as may be directed by the said by-laws of said company.

scrip assign-
able.

VI. The said company may at any time increase its capital, not exceeding one hundred and twenty-five thousand dollars, for the purpose of carrying on its operations, by opening subscriptions for new stock.

Capital may
be increased.

VII. That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation; and no part of the said capital stock shall, at any time, or upon any pretence whatever, be loaned to or divided amongst the stockholders; neither shall the capital be withdrawn or divided among the stockholders until all the liabilities of the company are lawfully paid; and no dividends shall be declared, except from the nett earnings of the company.

Capital stocks
deemed perso-
nal estate, &c.

VIII. That each stockholder shall have one vote for each share he may own or represent at the election of Directors, and all meetings of the company.

Votes.

IX. That the Directors shall submit to the stockholders semi-annually a written statement, under oath or affirmation of the Treasurer of the corporation, setting forth the amount of capital stock paid in, and general assets of the company, and, also, of the amount of all their existing debts.

Directors to
report to stock-
holders.

X. The said company shall have, use and enjoy all the privileges and powers heretofore granted to the late "The Nesbitt Manufacturing Company," in regard to the dam or dams across Broad River, at Ninety-nine Islands, and just above the Cherokee Ford, for the purpose of manufacturing iron or other manufactures: *Provided*, That if, at any time hereafter, the State shall open the navigation of said river, nothing in this grant shall be construed to deprive the State of the privilege of providing for a passage through the said dam.

Additional
privileges.

XI. The members of the said corporation shall be liable jointly and severally for all debts and contracts made by the said corporation until the whole amount of the capital stock which may be subscribed shall have been actually paid in; and no note or obligation given by any stockholder, whether secured by a pledge of his stock in said corporation or otherwise, shall be considered as payment of any part of the capital stock until such notes or obligations shall have been actually paid.

Liability of
members.

XII. This Act shall be taken and deemed to be a public Act; shall be and continue of force for the term of fourteen years, and shall not be so construed as to confer any exclusive privileges.

Term of Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1850.

AN ACT TO INCORPORATE "THE HAMBURG PAPER MILLS COMPANY."

No. 4011.

Incorporating
Section.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That H. A. Kenrick, J. H. Anderson, W. W. Sale, W. F. Kenrick, and M. W. Coleman, and their associates and successors, are hereby made and created a body politic and corporate, by the name of the "Hamburg Paper Mills Company," for the purpose of manufacturing paper, and all machinery used for such purpose, and for the transaction of such business as may be necessarily connected therewith, and may purchase and hold such real estate, and erect such mills and other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription, in shares of one hundred dollars each, a capital of ten thousand dollars, with the privilege of increasing the same to fifty thousand dollars whenever they shall deem it practicable.

To hold pro-
perty, &c.Members lia-
ble until capi-
tal be paid in.

II. The members of the said corporation shall be liable, jointly and severally, for all debts and contracts made by such corporation, until the whole amount of the capital stock authorized to be subscribed as aforesaid shall have been actually paid in; and no note, or obligation, given by any stockholder, whether secured by a pledge of the stock in such corporation or otherwise, shall be considered as payment of any part of the capital stock, until such notes or obligations shall have been actually paid.

Capital stock
deemed per-
sonal estate,
&c.

III. That the capital stock aforesaid shall be deemed personal estate, and be transferable on the books of the said corporation; and no part of the said capital stock shall, at any time, or upon any pretext whatever, be loaned to, or divided amongst the stockholders for dividends, neither shall it be withdrawn or refunded to the stockholders, until all the debts or liabilities of the said corporation are fully paid; and each stockholder shall, in the election of Directors, and at all meetings of the stockholders, have one vote for each share of the stock he holds in said company.

Votes appor-
tioned.Books to be
opened.

IV. That J. H. Anderson, W. W. Sale, H. A. Kenrick, Samuel Trowbridge, and W. F. Durisoe, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and, whenever such subscriptions amount to ten thousand dollars, and five thousand dollars of the capital stock shall have been paid in, as aforesaid, the stockholders having had two weeks' notice in writing, or in a newspaper published in the District where said corporation is located, shall proceed to elect such Directors and officers as they may deem necessary for conducting the affairs of the company, the same to hold office until their successors shall be elected, and such Directors, or their successors, shall have power to dispose of any remainder of the stock, which may not have been subscribed for, in such manner and at such time as they may deem fit, and to have a common seal, and make all lawful regulations and rules for the transaction of their business.

Succession of
officers.Service of a
process.

V. That the service of the process of any Court of this State shall be legal and valid on said body politic and corporate, if the same shall be left at the manufactory: *Provided*, The President of the

company is absent from and beyond the limits of the District where the said manufactory is located.

A. D. 1850.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-third year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE VILLAGE OF TOTNESS.

No. 4012.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all persons, citizens of the United States, who have resided six months at and near the village of Totness, in St. Matthew's Parish, Orangeburg District, and within the limits hereafter set forth, shall be deemed and are hereby declared to be a body politic and corporate, and shall be called and known by the name of "Totness," and its corporate limits shall extend a half mile in each and every direction from the church now standing in said village.

Village incorporated.

II. The said village shall be governed by an Intendant and three Wardens, who shall be elected on the second Monday in January in every year—ten days' notice being previously given—except that the first election under this Act shall be held after notice of five days, to be conducted by A. D. Goodwyn, J. S. Lewis and Wm. R. Thomson, or a majority of them; and the said Intendant and Wardens shall be known by the name of "The Town Council of Totness;" and the said corporation is hereby invested with all the powers and privileges conferred, and subject to the same restrictions and penalties imposed on the corporation of the village of Newberry, by an Act passed on the seventeenth day of December, Anno Domini one thousand eight hundred and forty-one, entitled "An Act to Incorporate certain Villages, Societies and Companies, and renew and amend certain Charters heretofore granted, and to establish the principles on which Charters of Incorporation shall hereafter be granted." And the town Council of "Totness" are hereby further authorized and empowered to assess and levy a tax on such property, real and personal, as may be within the corporate limits aforesaid, within their discretion: *Provided*, That the entire amount to be levied shall at no time exceed one hundred and fifty dollars. The aforesaid charter shall continue for seven years, and until the end of the session of the Legislature next following.

Government.

Election.

Powers conferred.

Taxes.

Proviso.

Duration of charter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1850.

AN ACT TO INCORPORATE THE NEW CHARLESTON WATER COMPANY.

No. 4013.

Incorporating
Section.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly; and by the authority of the same, That Joshua Lazarus, H. W. Conner, M. C. Mordecai, Henry Gourdin, O. Mills, G. S. Cameron, Robert Martin, Joseph Prevost, and their associates and successors, shall be, and they are hereby, incorporated and declared a body politic and corporate; shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws not repugnant to the laws of the land, and to have succession of officers and members conformably to such by-laws, and to sue and be sued, implead and be impleaded in any Court of law or equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities which are incident to bodies incorporate.

Powers con-
ferred.

II. That said company shall have full power and authority to take, hold and convey water from any point on or near the Edisto River, or any other river, springs or other sources within sixty-five miles of the city of Charleston, into and through the said city, with the consent of the City Council of Charleston first had and obtained, and shall have full power and authority to make canals, lay conduits or tunnels for the conveyance of the said water, through, under and along any highway in the country adjacent, or any street or streets, lane or lanes, alley or alleys of the city of Charleston, for the purpose of conveying and distributing said water; and the said conduits, canals or tunnels, from time to time to renew and repair, and for such purposes, to dig, break up and open, at their own expense, all or any part of such highways, streets, lanes and alleys, and of the middle or side pavements thereof, leaving at all times a sufficient passage for carriages, horses and foot passengers, and restoring forthwith, to their former condition, all such highways, streets and alleys, and the pavements thereof, as may be at any time so dug, opened or taken up. And the said company shall have full power and authority to erect such buildings, and to hold such real and personal estate as may be requisite and proper to carry on the business aforesaid. And the said corporation shall have power to raise, by subscription, in shares of fifty dollars each, a capital of five hundred thousand dollars, with the privilege of increasing the same to three millions of dollars, if so much be deemed proper, and the said corporation shall not go into operation, nor the rights, privileges and franchises hereby granted, attach, until the sum of fifty thousand dollars shall have been actually paid in, in gold or silver coin, or the current notes of the incorporated banks of this State, and an oath or affirmation thereof shall have been made by the President, Treasurer, and a majority of the Board of Directors of the said company, and recorded in the office of the Secretary of State, at Charleston, and shall have been published in at least two respectable newspapers in the said city.

Amount of
shares and cap-
ital.Reservoirs,
&c., to be es-
tablished.

III. That the said company shall have full power and authority to establish reservoirs and public fountains in such parts of the streets and squares of the said city, with the consent of the City Council of Charleston first had and obtained, or adjacent thereunto

or elsewhere, to be connected with the works, as they may think proper; and to grant to all persons whomsoever, and to all bodies politic and corporate, the privilege of using the said water, to be introduced in such a manner, and on such terms and conditions, and in quantities respectively, as they shall think fit. And the said water, so to be introduced, together with all reservoirs, canals, tunnels, engines, buildings and machines, to be by them made and used for the purpose of introducing, raising and distributing the said water, to hold to them, their successors and grantees forever, as their sole and exclusive property.

IV. That the said shares in the capital stock aforesaid, of the said corporation, shall be deemed personal estate, and be transferable only on the books of the said corporation. And no part of the said capital shall, at any time, or under any pretence whatever, be loaned to or divided amongst the stockholders until all the liabilities of the said corporation have been lawfully paid, nor shall any dividend or dividends be at any time declared, except of the clear earnings and profits of the said company.

V. That if the proprietor of any share shall neglect or refuse to pay instalments assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the company may, by order of the Board of Directors thereof, sell, by public auction, a sufficient number of any shares held by such defaulter to pay all instalments then due by him, together with the necessary and incidental charges. And the Treasurer shall give notice of the time and place of such sale, and of the sum due on each share, by advertising the same, for two successive weeks previous to such sale, in some newspaper in the city of Charleston, and a bill of sale of the shares so sold shall be made by the Treasurer of the company to the purchaser thereof, who shall thereupon be entitled to have the same transferred to him on the books of the company, and shall be liable for all future instalments on the stock he may purchase.

VI. That the said Joshua Lazarus, H. W. Conner, M. C. Mordecai, Henry Gourdin, O. Mills, G. S. Cameron, Robert Martin, Joseph Prevost, may open books and take subscriptions for the capital stock of the said company, in such manner as they may deem expedient, and whenever such subscription shall amount to the sum of one hundred thousand dollars, the stockholders having had two weeks' notice, in writing, or in one of the public newspapers in the city of Charleston, may meet and proceed to elect a President, Treasurer and Board of Directors, or such other officers as they may deem necessary for organizing the said company and conducting the affairs thereof. And the said Board of Directors shall continue in office until their successors shall have been duly elected, and until otherwise provided by the by-laws of the said corporation, shall have power to dispose of the residue of the capital stock of the said company not subscribed for in such manner and at such time as they may deem fit. And at the said election of officers, and at all meetings of the said company, every stockholder shall be entitled to one vote for every share held by him. That the Directors shall submit to the stockholders, annually, a written statement under oath or affirmation of the Treasurer of the corporation, setting forth

A. D. 1850.

Shares deemed personal estate.

Overdue instalments, how to be obtained.

Subscriptions.

Election of officers.

Directors to report to stockholders.

A. D. 1850.

Penalties.

the amount of the capital stock paid in, and of the general assets of the said company.

VII. That if any person or persons shall wantonly, negligently, or maliciously divert the water, or any part thereof, of any ponds, streams, springs, or water sources which shall be taken by the said company in pursuance of the provisions of this Act, or shall corrupt the same, or render it impure or offensive, by mingling other substances with it, or by washing or swimming in it, or by erecting any privy or other nuisance near it, or by any other means whatsoever, or shall injure or destroy any dam, aqueduct, pipe, conduit, hydrant, machinery, or other property held, owned or used by the said company, by the authority and for the purposes of this Act, any such person or persons shall forfeit and pay to the said company treble the amount of damages sustained by any such injury, to be recovered by action on the case. And any such person or persons shall moreover be deemed guilty of a misdemeanor, and may, on indictment and conviction thereof, be punished by fine, not exceeding five hundred dollars, and imprisonment not exceeding one year, at the discretion of the Court.

What Courts have jurisdiction.

VIII. That any such action or complaint by the said company, against any person or persons whomsoever, on account of, or grounded on a trespass or injury done to the said works, or any tunnels, conduits, canals, water courses, pipe, hydrant, machinery, or other property of the said company, or appertaining to the same, shall, in every instance, be held and deemed as transitory in its nature, and may be brought, sustained and tried in any Court in this State having jurisdiction in such like case; and nothing in this Act providing for the special remedies of the company shall be construed to deprive them of the right, or impair the same, of bringing any suit in law or equity, to which they would otherwise be entitled.

City Council of Charleston, right to purchase, &c.

IX. If the City Council of Charleston shall at any time, within twenty years after the water works shall go into operation, desire to purchase the same, they shall have the right to do so upon the following terms: That is, upon providing for the payment to the company, within such time as may be agreed on between the parties, of the amount actually paid in and expended, and such additional sum as will, when added to the annual receipts of the said company, over and above the actual annual expenditures, make up the sum of ten per cent. annually upon the capital stock actually paid in; and, further, a premium graduated at the following rates, namely: If within five years, a premium of twenty-five per cent. upon the amount of capital stock, as aforesaid, paid in and expended by said company; if after five years, and within six years, nineteen per cent; if after six, and within seven, eighteen per cent; thus reducing the amount of premium to be paid by the said City Council of Charleston one per cent. for every year beyond five years; that the said water works shall remain in the possession of the said water works company, so that, if not taken within the twentieth year, the premium to be paid shall be five per cent.

Terms.

Term of charter, &c.

X. That this Act shall continue in force for forty years, and no part of the capital stock, nor any of the funds of the corporation, shall at any time during the continuance of this charter, be used directly or indirectly in banking operations, or for any other pur-

pose whatever, inconsistent with this Act. That this charter, and every thing contained therein, shall cease and determine, unless the company shall have been duly organized, and shall have actually commenced the work within three years from this date.

A. D. 1850.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CHARTER AND INCORPORATE ERSKINE COLLEGE, No. 4014.
 AT DUE WEST, IN ABBEVILLE DISTRICT.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Honorable John Belton O'Neill, A. Haddon, J. L. Ellis, Dr. Enoch Agnew, Dr. George W. Pressly, Dr. W. Anderson, Dr. J. W. Hearst, Dr. A. Chalmers, P. H. Bradley, W. H. Bradley, E. E. Pressly, Samuel Donald, D. O. Hawthorn, W. Wright, J. Hemphill, W. R. Hemphill, J. Lindsay, J. J. Bonner, J. C. Chalmers, J. L. Young, J. Boyce, D. Lesley, J. Galloway, R. C. Greer, J. R. Wilson, J. Pratt, John Walker, H. A. Jones, A. C. Hawthorn and J. M. Young, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of "The Trustees of Erskine College," a seminary of learning, situated at Due West, in Abbeville District, in the State of South Carolina, and as such, and by said name of The Trustees of Erskine College, shall be capable and liable in law and equity, to sue and be sued, to plead and be impleaded, to use a common seal, and to make such by-laws and rules for the regulation and government of said College, as they may deem necessary: *Provided*, Said by-laws and rules be not repugnant to the Constitution and laws of this State, or of the United States.

Incorporating Section.

Trustees.

II. That the said Board of Trustees are, and shall be authorized to appoint such officers as they may think necessary and proper for the organization and government of their own body, and also all the officers, professors, tutors and instructors, of and in said College: *Provided*, That the Associate Reformed Synod of the South, or any other assembly to which said Synod may transfer its authority, shall have the power of confirming or annulling such appointments, and of exercising a general control and supervision over the officers, affairs and government of said College.

Appointment of officers, &c.

Proviso.

III. That the said Board of Trustees shall have power and authority to confer and award all such distinctions, honors, licenses and degrees, as are usually conferred and awarded in the Colleges and Universities of the United States.

Honors, &c., may be granted.

IV. That the said Trustees and their successors shall have and hold all the estate, property and funds now belonging to said Col-

Power to hold property, &c.

A. D. 1850.

lege, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed and devised, or given to said College, in trust, nevertheless, for the use and benefit of said College.

Trustees, how elected.

V. That said Trustees shall be appointed or chosen for the term of four years, by the Associate Reformed Synod of the South; and said Trustees shall be divided, as equally as may be, into two classes, so that one half may be chosen every second year after such division takes place; and said Synod shall have power and authority to fill all vacancies in said Board of Trustees which shall occur by death, resignation or otherwise.

Sale of ardent spirits prohibited.

VI. That it shall not be lawful for any person to establish or keep, in any direction within two miles of the said College, any house or store or shop for retailing ardent spirits.

Public Act.

VII. This Act shall be taken and deemed to be a public Act, and continue in force for the term of twenty-one years, and from thence until the adjournment of the next General Assembly thereafter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4015. AN ACT TO INCORPORATE THE HAYNE COTTON MILL COMPANY.

Incorporating Section.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James H. Taylor, H. A. Kenrick, James H. Anderson, Josiah Sibley, J. W. Stokes, A. Burnside, J. J. Blackwood, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "The Hayne Cotton Mill Company," for the purpose of manufacturing, dying, printing and finishing all goods of which cotton or other fibrous articles may form a part, as well as all machinery used for such purposes, and for the transaction of such business as may be necessarily connected therewith, and may erect such mills and other works as may be required to carry on such branches of manufacture, and they shall have power to raise by subscription, in shares of five hundred dollars each, a capital of three hundred thousand dollars.

Capital.

Powers granted.

II. That the said corporation may purchase and hold such real estate as may be required for the purposes of said corporation, or such as they may be obliged, or deem it for their interest to take in the settlement of any debts due to the said corporation, and may dispose of the same, and may sue or be sued in all Courts of law or equity, may have and use a common seal, and make such by-laws for their regulation and government as they may see proper, which are not inconsistent with the Constitution and laws of the United States and of this State.

III. That the said corporation shall not go into operation until one hundred and fifty thousand dollars of the capital stock shall be paid in gold or silver, or the current bank notes of this State, and an oath or affirmation thereof shall be made by the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in at least two respectable newspapers in the State, one as near the establishment as circumstances will admit, the other in the city of Charleston, and this shall be repeated after the payment of each instalment, until the whole capital is paid in.

A. D. 1850.
 When to go
 into operation.

IV. That the members of the said corporation shall be liable jointly and severally for all debts and contracts made by such corporation, until the whole amount of the capital stock authorized to be subscribed as aforesaid shall have been actually paid in, and no note or obligation given by any stockholder, whether secured by a pledge of the stock in such corporation or otherwise, shall be considered as payment of any part of the capital stock, until such notes or obligations shall have been actually paid.

Liability of
 members.

V. That the capital stock shall be deemed personal property, and be transferable upon the books of the said corporation, and no part of the said capital stock shall, at any time, or upon any pretence whatever, be loaned to, or divided amongst the stockholders, neither shall the capital be withdrawn or divided among the stockholders until all the liabilities of the company are lawfully paid, and no dividends shall be declared except from the nett earnings of the company. Each stockholder shall have one vote for each share he may own or represent at the election of Directors and all meetings of the company.

Stock person-
 al property.

Stock not
 divisible.

Votes.

VI. That if the proprietor of any share shall neglect to pay any instalment assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the company, by the order of the Directors, may sell by public auction a sufficient number of such delinquent shares to pay all instalments then due from him, with all necessary incidental charges. The Treasurer shall give notice of the time and place of sales, and of the sum due on each share, by advertising the same three weeks successively before the sale, in some newspaper which may be printed near the vicinity of the establishment, and a bill of sale of the share so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

Defaulters.

VII. That James H. Taylor, H. A. Kenrick, James H. Anderson, Josiah Sibley, J. W. Stokes, A. Burnside and J. J. Blackwood, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions shall amount to one hundred and fifty thousand dollars, the stockholders having had two weeks' notice in writing, or in a public newspaper in the vicinity of the establishment, may meet and proceed to elect such Directors and officers as they may deem necessary for conducting the affairs of the company, they to hold office until their successors shall be elected; and such Directors, or their successors, shall have power to dispose of any remainder of stock which may not have been subscribed for, in such manner, and at such times, as they may deem fit.

Opening of
 books.

Succession of
 officers.

- A. D. 1850.
Annual Report
- VIII. That the Directors shall submit to the stockholders, annually, a written statement under oath, or affirmation, of the Treasurer of the corporation, setting forth the amount of capital stock paid in, and general assets of the company, and also the amount of all the existing debts, which statement shall be published in a newspaper located nearest to said manufactory.
- Service of Process.
- IX. That the service of the process of any Court of this State shall be legal and valid on said body politic and corporate, if the same shall be left at the manufactory: *Provided*, The President of the company is absent from, and beyond the limits of the District where the said manufactory is located. That this Act shall continue in force for twenty years, and no part of the capital stock, or any of the funds of the said corporation, shall, at any time during the continuance of this charter, be used or employed, directly or indirectly, in banking operations, or for any purpose whatever inconsistent with this Act.
- Limit of charter.
- X. That the total amount of the debts which the said corporation shall at any time owe shall not exceed the amount of its capital stock actually paid in; and, in case of excess, the Directors, under whose administration it shall happen, shall be, jointly and severally, liable for the same, in their natural capacities. Such of the said Directors as may have been absent when the said excess was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders, at a general meeting, which they shall have power to call for that purpose.
- Debts limited to capital.
- Liability of Directors.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4016. AN ACT TO CHARTER THE WATEREE MANUFACTURING COMPANY.

- Incorporating Section.
- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John M. DeSaussure, Thomas Lang, and B. Perkins, and their associates and successors, are hereby made and created a body politic and corporate in law by the name of "The Wateree Manufacturing Company," for the purpose of manufacturing, dying, printing, and finishing all goods of which cotton, wool, or other fibrous articles may form a part, as well as all machinery used for such purposes, and for the transaction of such business as may be necessarily connected therewith; and may erect such mills and other works as may be required to carry on such branches of manufacture, and they shall have power to raise by subscription, in shares of one hundred dollars each, a capital of two hundred thousand dollars.

II. That the said corporation may purchase and hold such real estate as may be required for the purpose of said corporation, or so much as they may be obliged or deem it for their interest to take into the settlement of any debts due the said corporation, and may dispose of the same; and may sue and be sued in all Courts of Law and Equity, may have and use a common seal, and make such by-laws for their regulation and government as they may see proper: *Provided*, They are not inconsistent with the Constitution and laws of the United States, and of this State.

A. D. 1850.
 }
 To hold real estate, &c.

Proviso.

III. That the said corporation shall not go into operation until one hundred thousand dollars of the capital stock shall be paid in gold or silver, or the current bank notes of this State, and oath or affirmation thereof shall be made by the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in at least two respectable newspapers in the State, one as near the establishment as circumstances will admit, the other in the city of Charleston; and this shall be repeated after the payment of each instalment until the whole capital is paid in.

When to go into operation.

IV. The members of the said corporation shall be liable jointly and severally for all debts and contracts made by such corporation, until the whole amount of capital stock authorized to be subscribed as aforesaid shall have been actually paid in; and no note or obligation given by any stockholder, whether secured by pledge of the stock in such corporation or otherwise, shall be considered as payment of any part of the capital stock until such notes or obligations shall have been actually paid.

Liability of members.

V. That the capital stock shall be deemed personal property, and be transferable upon the books of the said corporation, and no part of the said capital stock shall at any time or upon any pretence whatever, be loaned to, or divided amongst the stockholders, neither shall the capital be withdrawn or divided among the stockholders until all the liabilities of the company are lawfully paid, and no dividends shall be declared except from the earnings of the company. Each stockholder shall have one vote for each share he may own or represent, at the election of Directors, and all meetings of the company.

Stock personal property.

Votes.

VI. That if the proprietor of any share shall neglect to pay any instalment assessed hereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the company, by the order of the Directors, may sell by public auction a sufficient number of such delinquent shares to pay all instalments then due from him, with all necessary incidental charges. The Treasurer shall give notice of the time and place of sale, and of the sum due on each share, by advertising the same three weeks successively before the sale, in some newspaper which may be printed near the vicinity of the establishment, and a bill of sale of the share so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

Instalments not paid up, may be sold.

VII. That William E. Johnson, John C. West and Alexander Johnson may open books and take subscriptions for the capital stock in such manner as they may deem expedient; and whenever such subscriptions shall amount to one hundred thousand dollars, the

To open books.

A. D. 1850. stockholders having had two weeks' notice in writing, or in a public newspaper in the vicinity of the establishment, may meet and proceed to elect such Directors and officers as they may deem necessary for conducting the affairs of the company, they to hold their office until their successors shall be elected, and such Directors, or their successors, shall have power to dispose of any remainder of stock which may not have been subscribed for, in such manner and at such times as they may deem fit.

To make annual reports. VIII. That the Directors shall submit to the stockholders, annually, a written statement, under oath or affirmation of the Treasurer of the corporation, setting forth the amount of capital stock paid in, and general assets of the company, and also of the amount of all then existing debts; which statement shall be published in a newspaper located nearest to said manufactory.

Service of process. IX. That the service of the process of any Court of this State shall be legal and valid on said body politic and corporate, if the same shall be left at the manufactory: *Provided*, The President of the company is absent from and beyond the limits of the District where the said manufactory is located; that this Act shall continue in force for fourteen years, and no part of the capital stock, or any of the funds of the said corporation shall at any time during the continuance of this charter, be used or employed directly or indirectly in banking operations, or for any other purpose whatever inconsistent with this Act.

Term of charter. Debt and liabilities of Directors. X. The total amount of the debts which the said corporation shall at any time owe shall not exceed the amount of the capital stock actually paid in, and in case of excess, the Directors under whose administration it shall happen shall be jointly and severally liable for the same, in their natural capacities, and such of the said Directors as may have been absent when said excess was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders, at a general meeting, which they shall have power to call for that purpose.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4017. AN ACT TO AMEND THE CHARTER OF THE GRANITEVILLE MANUFACTURING COMPANY.

Charter extended. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Graniteville Manufacturing Company shall be extended and continued in force for the period of thirty years from the passage of this Act.

II. That the said company shall have power, from time to time, to increase their capital stock to any amount not exceeding one million of dollars, including their present capital, whenever a majority of the stockholders present at a general meeting of the Board of Directors, by their authority, shall determine: *Provided*, That the said stock shall not be increased at any one time in sums of less than fifty thousand dollars; and such additional stock shall be divided rateably among the stockholders, in proportion to their shares in the capital stock of the company at the time of such increase; but in case any stockholder or stockholders should not desire to take his or their share of such increased stock, the same shall be allotted among the remaining stockholders, or books may be opened for the purpose of obtaining additional subscribers to such increased stock, in such manner as the company may deem expedient; and in no case shall the members who are unwilling to take their share in such increase of stock be assessed to contribute to or make up such increase. Such additional stock shall be paid up in the same manner, and be subject to all the same provisions, restrictions and conditions as are directed by the charter in relation to the original stock; and any such additional subscribers shall thereby become members of the said company, subject in like manner, in proportion to their interest, to all the burthens, liabilities, responsibilities and conditions imposed upon the members of the said company by the original charter.

A. D. 1850.
 Increase of stock.
 Proviso.

III. That the new or additional subscribers, as well as the original or present stockholders, shall be liable, jointly and severally, for all debts and contracts made by such corporation, until the amount of capital stock which said company may increase, shall have been actually paid in, as provided by the 4th Section of the Act to incorporate said company, passed the 15th day of December, Anno Domini 1845.

Now subscribers liable with the original until increased capital be paid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE CHARLESTON GAS No. 4018.
 LIGHT COMPANY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Charleston Gas Light Company shall have power, from time to time, to increase their capital stock to any amount not exceeding three hundred thousand dollars, including their present capital, whenever a majority of the stockholders present at a general meeting, or the Board of Directors, by their authority, shall determine: *Provided*, That the said stock shall not be increased at any

The charter amended.

A. D. 1850.

one time, in sums of less than ten thousand dollars, and such additional stock shall be divided rateably among the stockholders, in proportion to their shares in the capital stock of the company, at the time of such increase; but, in case any stockholder or stockholders should not desire to take his or their share of such increased stock, the same shall be allotted among the remaining stockholders, or books may be opened for the purpose of obtaining additional subscribers to such increased stock, in such manner as the company may deem expedient; and in no case shall the members who are unwilling to take their share in such increase of stock be assessed to contribute to or make up such increase of stock. Such additional stock shall be paid up in the same manner, and be subject to all the same provisions, restrictions and conditions as are directed by the charter, in relation to the original stock; and any such additional subscribers shall thereby become members of the said company, subject, in like manner, in proportion to their interest, to all the burthens, liabilities, responsibilities and conditions imposed upon the members of the said company by the original charter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4019. AN ACT TO PROVIDE FOR THE APPOINTMENT OF DEPUTIES TO A SOUTHERN CONGRESS, AND TO CALL A CONVENTION OF THE PEOPLE OF THIS STATE.

Preamble.

Whereas, the Convention of the slaveholding States lately assembled at Nashville have recommended to the said States to meet in Congress or Convention, to be held at such time and place as the States desiring to be represented may designate, to be composed of double the number of their Senators and Representatives in the Congress of the United States, entrusted with full power and authority to deliberate, with the view and intention of arresting further aggressions, and, if possible, of restoring the constitutional rights of the South, and, if not, to recommend due provision for their future safety and independence:

Southern Congress.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That eighteen deputies shall be appointed in the manner hereinafter provided, who are hereby authorized, as deputies from the State, to meet such deputies as may be appointed and authorized by any other slaveholding State in Congress or Convention, as above recommended, and to join with them in discussing and devising such measures as, in their opinion, may be adequate to obtain the objects proposed by the said Convention at Nashville, and in reporting such measures to the said several slaveholding States as,

when agreed to and fully confirmed by them, or any of them, will effectually provide for the same.

A. D. 1850.

II. Four of the said deputies shall be elected by joint ballot of the General Assembly at its present session, and the qualified voters in each Congressional District in this State shall elect two, at such time as is hereinafter prescribed.

Number of Deputies.

III. The Governor of this State shall issue writs of election to the Managers of Election, requiring them to hold elections in their respective Congressional Districts, on the second Monday in October next, and the day following, for two deputies to the said Congress, in each Congressional District, and the said Managers shall thereupon advertise and hold such elections, and make due return thereof to the Governor.

Time of elections.

IV. That the Governor shall duly commission all the said deputies, so to be elected by the General Assembly and by the people, and shall, in concert with the Governor or other proper authorities of other States joining in such Congress, appoint the time and place of meeting, and give due notice thereof; and any of the deputies on the part of this State who may attend at such time and place, shall have full power to represent the State, as hereinbefore provided.

Governor to commission Deputies.

V. That a Convention of the people of the State of South Carolina is hereby ordained to be assembled in the Town of Columbia as hereinafter provided, for the purpose, in the first place, of taking into consideration the proceedings and recommendations of a Congress of the slaveholding States, if the same shall meet and be held; and for the further purpose of taking into consideration the general welfare of this State, in view of her relations to the laws and Government of the United States, and thereupon to take care that the Commonwealth of South Carolina shall suffer no detriment.

Convention of the people.

VI. That on the second Monday in February next, and on the day following, the Managers of Elections for the several Districts in this State shall, after giving public notice, as in cases of elections for members of the Legislature, open the polls and hold elections in their respective Districts for delegates to the said Convention, in all respects in the same manner and form, and at the same places, as elections are now conducted for members of the Legislature. And all persons who are qualified and entitled, by the Constitution and laws of this State, to vote for members of the Legislature, shall be qualified and entitled to vote for said delegates to said Convention; and, in case of any vacancy occurring by death, resignation, or removal from the State, or refusal to serve, of any person elected a delegate to the said Convention, the presiding officer of the said Convention shall issue his writ authorizing and requiring the Managers of Elections, in the election Districts in which such vacancy may have occurred, after giving due notice thereof, to open a poll and hold an election to fill such vacancy, as in cases for the election of members of the Legislature.

Time of elections.

Qualifications of voters.

VII. That each election District throughout the State shall be entitled to elect and send to the said Convention a number of delegates equal to the whole number of Senators and Representatives which such District is now entitled to send to the Legislature; and the Delegates to the said Convention shall be entitled to the same freedom of arrest in going to, returning from, and whilst in attend-

Number of Delegates.

A. D. 1850.

Elizibility of
members.

ance on said Convention, as is extended to the members of the Legislature.

VIII. That all free white male citizens of this State, of the age of twenty-one years and upwards, shall be eligible to a seat in said Convention.

Governor to
communicate
authentic copy.

IX. That the Governor be, and is hereby, requested, forthwith after the passage of this Act, to communicate an authentic copy of the same to the Executives of each of the slave-holding States of the Union, and to urge upon the said authorities, in such manner as he may deem best, the desire of the State of South Carolina, that the said slaveholding States do send duly commissioned deputies to meet the deputies herein provided to be elected, at the city of Montgomery, in the State of Alabama, on the second day of January, Anno Domini, one thousand eight hundred and fifty-two.

Governor to
convoke Con-
vention.

X. That it shall be the duty of His Excellency the Governor of the State, by his proclamation, to call together said Convention, and appoint the time for the meeting thereof, whenever at any period before the next session of this General Assembly, the conjuncture of a Southern Congress, contemplated in the purpose of this Act, shall have happened: *Provided*, That in case the Governor shall not assemble the Convention anterior to the next session of this Legislature, this General Assembly shall, by a majority of votes, fix the time for the meeting of said Convention.

Proviso.

Power to ad-
journal.

XI. That the said Convention may be continued by adjournment from time to time, so long as may be necessary for the purposes aforesaid: *Provided, however*, That unless sooner dissolved by their own authority, the said Convention shall cease and determine in twelve months from the day on which the said Convention shall first assemble.

Provision to
dissolve.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4020. AN ACT TO PROVIDE FOR THE DEFENCE OF THE STATE.

Board of Ord-
nance estab-
lished.

Duty of Board.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a Board of Ordnance be and is hereby established, to consist of the Adjutant and Inspector-General, and five other persons to be appointed by the Governor, and that the Governor be ex-officio President of said Board. And it shall be the duty of the said Board to examine the condition of all ordnance, ammunition, small arms, ordnance stores, gun carriages, and other equipments, shot, shells, &c., belonging to the State; and for this purpose they shall have power to call upon all officers of the State, who have such matters in charge, for reports on the condition, location, &c., of such

articles, and the said Board shall have access to the arsenals, magazines, and other depots of the State, at such times as they shall deem proper.

II. That the said Board shall take the proper means for the preservation of the articles before named, and for the storage and other disposal of them. All purchases of ordnance, &c., and other munitions of war for the use of the State, shall be made under the direction of the said Board.

III. That the said Board shall be authorized to engage a fit and competent ordnance officer, who shall open an ordnance bureau, inspect all arms and ordnance purchased by the direction of the Board, organize an ordnance department, and perform all such other duties as may be designated by the said Board, and the said officer shall have the rank of Major of Artillery, with a salary of two thousand dollars per annum.

IV. That the said Board shall make to the Legislature, at each session, a report of their proceedings, in either a public or private communication, as may seem to them most expedient for the public services.

V. That the said Board be and are hereby authorized to employ a scientific and competent military engineer, who shall, as soon as possible, make an examination of the coast of this State, with a view to the defence of the same, and make a report or reports to the said Board, as to the points which may need defence, with plans for the same.

VI. That the Act of the General Assembly, entitled "An Act to abolish Brigade Encampments," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six, repealing "all sections and clauses relating to brigade encampments," be, and the same is hereby, repealed; and that each and every clause of an Act, entitled "An Act reducing all Acts and clauses of Acts in relation to the militia of this State to one Act, and to alter and amend the same," relating to the subject of brigade encampments, passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one, be and the same is hereby revived: *Provided*, That the brigade encampments therein provided for shall be held once in each year, instead of once in two years.

VII. That in addition to the officers required to attend said brigade encampments, the sergeants of each company and the non-commissioned regimental staff officers, are hereby required to attend the said encampments, for the purpose of receiving military instruction. And the said sergeants and non-commissioned regimental staff officers, who shall attend an encampment of their respective brigades, shall be exempted from road duty during the year in which they shall attend such encampment, and for non-attendance at the same, shall be liable to be fined each in the sum of fifteen dollars. And it shall be the duty of the quarter-master general to supply such non-commissioned officers with the arms and equipments required by law to be furnished to commissioned officers during their attendance at brigade encampments. And it shall be the further duty of the quarter-master general to furnish and provide at each brigade encampment, two light pieces of field artillery,

A. D. 1850.

Preservation and purchase of ordnance.

Ordnance officer, with rank of Major, to be appointed.

Board to report.

Appointment of engineer.

Act repealed.

Proviso.

Brigade encampments.

Fine for non-attendance.

Duty of the Quarter-Master General.

A. D. 1850.

with twenty-four rounds of blank cartridge, and other requisites for the exercise of troops in artillery tactics and service.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4021. AN ACT TO DEFINE THE MANNER IN WHICH THE CITY COUNCIL OF CHARLESTON SHALL PROCEED IN CHARGING, LEVYING AND COLLECTING ASSESSMENTS UPON THE OWNERS OF LOTS FRONTING ON STREETS, LANES, OR ALLEYS, OPENED OR EXTENDED ACCORDING TO LAW.

Defining Section.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever any street, lane, alley, or court in the city of Charleston, shall have been opened, laid out, extended, or established, according to the Acts of the General Assembly, in such case made and provided, it shall be lawful for the City Council of Charleston, and they are hereby authorized and empowered, to nominate and appoint, on their part and behalf, six Commissioners, who shall be freeholders resident in said city, to meet an equal number to be named and appointed by and on behalf of the proprietors of lots fronting on such street, lane, alley, or court; and the said Commissioners, or a majority of them, after taking the oath hereinafter prescribed, shall proceed to ascertain the whole cost and expenses of the said improvement, and to assess the same upon the proprietors of lots and houses upon both sides of such street, lane, court, or alley, in due ratio, taking into consideration the damages which may be sustained, and the advantages to be derived therefrom by the said proprietors respectively; which said assessment shall be made out in writing, and duly returned by the said Commissioners, or a majority of them, to the said City Council; and one moiety or half part of the said assessment, shall be borne and paid by the said City Council in consideration of the general benefit resulting from said improvement, and the other moiety or half part shall be borne and paid by the proprietors aforesaid in consequence of the particular and local advantages resulting therefrom.

Assessments conclusive.

II. That all assessments hereafter made in pursuance of this Act shall be, and the same are hereby declared to be, final and conclusive, between all and every the person and persons interested therein, save and except in the case of appeal taken in the manner hereinafter provided; and any person or persons who may be hereafter liable to pay any part or portion of the aforesaid assessment or assessments, shall, after having ten days' notice in writing of the amount of his or their portion of the same, refuse or neglect to pay and satisfy the same to the said City Council, it shall and may be

City Council may sell in default of payment.

lawful for the said City Council to advertise and sell, according to the laws regulating Sheriff sales, all and every such house and houses, lot and lots, on account of which any proportion of the said assessment may be due and owing, returning the overplus (if any should remain after payment of the fees accruing on such sales,) to the person or persons entitled to receive the same. And the said proprietors are hereby required to pay their respective proportions of the said assessments, and their houses and lots are hereby declared to be severally bound for and chargeable with the same.

A. D. 1850.

Proprietors
required to pay
assessments.

III. That in case any proprietor shall be dissatisfied with the share or proportion assessed upon him, it shall and may be lawful for such proprietor to appeal from the same, (upon giving notice of such appeal to the said City Council within ten days from the time of his receiving a notification of such assessment,) to the Court of Common Pleas and General Sessions for the District of Charleston, at its next session thereafter. And the said Court, upon satisfactory proof that the appellant has been injured by such assessment, shall order a new assessment in such particular case to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive, unless a new trial be granted; and after final judgment in such case, the assessment so made shall and may be collected in the manner hereinafter prescribed.

Appeal.

Jury's ver-
dict conclu-
sive.

IV. That the City Council shall call a meeting of the said proprietors at some proper time and place, and the proprietors attending such meeting, or their proxies, or a majority of them, shall appoint the Commissioners in their behalf, mentioned in the first Section; and in case the proprietors at said meeting, or at any adjournment thereof, within ten days, shall neglect or refuse to appoint Commissioners, then the Commissioners appointed by the said City Council, on their behalf, or a majority of them, shall be, and they are hereby, authorized to proceed to the discharge of the duties herein prescribed; and their judgment in the matter shall be final and conclusive, except in the case of appeal, as above provided.

Proprietors
to elect com-
missioners.City Council
to appoint in
case of neglect.

V. That the aforesaid Commissioners, before they proceed to act in the premises, shall severally make oath, before some Magistrate for the Parishes of St. Philip and St. Michael's, that they will fairly, faithfully and impartially discharge the duties required of them under this Act.

Commission-
ers to make
oath.

VI. That all Acts and parts of Acts hereto repugnant, be, and the same are hereby, repealed.

Repealing
Section.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1850.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

No. 4022.

Ashepoo Ferry re-chartered.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry across the Ashepoo River, known as Ashepoo Ferry, be, and the same is hereby, re-chartered, and vested in Mrs. Ann Cunningham, her heirs and assigns, for the term of fourteen years, with the same rates of toll as now allowed by law.

Slann's Bridge re-chartered.

II. That the bridge in St. George's Dorchester, known as Slann's Bridge, be, and the same is hereby, re-chartered for the term of fourteen years, and vested in William Stall, in trust for his son, William Chandless Stall, his heirs and assigns, with the same rates of toll as those now allowed by law.

Stony Bluff Ferry re-chartered.

III. That the ferry across the Savannah River, known as the Stony Bluff Ferry, be, and the same is hereby, re-chartered, and vested in Charles Brown, his heirs and assigns, for the term of fourteen years, with the same rates of toll as those now allowed by law.

Smith & Graham's Bridge re-chartered.

IV. That the bridge across the Saluda River, known as Smith and Graham's Bridge, be, and the same is hereby, re-chartered, and vested in John Smith and Madison Graham, their heirs and assigns, for the term of seven years, with the same rates of toll as those now allowed by law.

New road from Sumter C. H. established.

V. That A. L. Jones, Samuel E. Plowden, R. J. Witherspoon and Carter Capell, be appointed Commissioners to lay out and open a public road, commencing at the terminus of a new road from Sumter Court House, to be completed about one mile on the western side of Plowden's Mills, to a point intersecting the road known as the New Road, about half a mile from the residence of Thomas E. Dickey.

Act changing a road from Anderson to Andersonville, repealed.

VI. That so much of an Act passed in the year of our Lord one thousand eight hundred and forty-nine, entitled "An Act to establish certain roads, bridges and ferries," as directs that "the road from Anderson Court House to Andersonville be changed at various places where it may be deemed necessary," be, and the same is hereby, repealed.

New road in Newberry District established.

VII. That Daniel Mangum, John Stirling, John Satterwhite and George S. Cannon, be appointed Commissioners to lay out a new road in Newberry District, commencing at D. Senn's on the Belfast road, thence on the line between the land of the said D. Senn and Dr. Thomas W. Boozer, thence through David Boozer's land to the corner of Mrs. Cole's and R. Cleland's land, thence on the line between their lands to the corner of R. Cleland's field, thence across said field to the corner between R. Cleland and Col. Gilder, thence on the line between their lands to the Rock Ford near J. Stirling's, thence along the Settlement Road until it passes Wilford Peterson's house, thence across John Senn's plantation, so as to cross the branch on the line between John Senn and Joseph Davenport, thence on the line between said Davenport and Senn, and on the line between the said Davenport and Rev. D. Mangum, until it strikes the Settlement Road, and thence along or near said road to the New Cut Road, near Bush River Meeting House, and that the same be a public road.

Holley's Ferry established.

VIII. That the ferry across Big Saluda, known as Holley's Ferry,

be, and the same is hereby, re-charted, and vested in John Holley, (Senior,) his heirs and assigns, for the term of fourteen years, with the same rates of toll as those now allowed by law.

A. D. 1850.

IX. That a toll bridge be, and the same is hereby, established over Seneca River, in Anderson District, at or near Shallow Ford, for the term of fourteen years, and vested in Daniel Brown, David Simmons, Samuel Brown and Jacob Burriss, their heirs and assigns; and the following rates of toll be allowed, viz: For all wagons drawn by six horses, sixty cents; all wagons drawn by four horses, fifty cents; all two horse wagons and carriages, thirty-five cents; all wagons, carriages and other vehicles drawn by one horse, twenty-five cents; for man and horse, ten cents; led or drove horses or mules, three cents each; foot passengers not attached to carriages, five cents each; cows or horned cattle, hogs, sheep and goats, each two cents.

Toll bridge over Seneca River, Anderson District, established.

Tolls to be taken.

X. That a certain road recently opened by William H. Sinkler, in St. John's Berkeley, leading from the public road known as the Nelson's Ferry Road, to a point on the public road known as the Monk's Corner Road, above the present point of junction of the public roads aforesaid, be, and the same is hereby, established as a portion of the public road known as the Nelson's Ferry Road, and that so much of said public road as lies between the point of the Nelson's Ferry Road, where the said road hereby established diverges from said road, to the point of junction aforesaid, be, and the same is hereby, discontinued.

Road in St. John's Berkeley established.

XI. That the ferry over Saluda River between Edgefield and Newberry Districts, known as Higgins' Ferry, be, and the same is hereby, re-chartered, and vested in Mary M. Higgins and the heirs of Joel Abney, deceased, their heirs and assigns, for the term of seven years, with the same rates of toll as heretofore allowed by law.

Higgins' Ferry re-chartered.

XII. That David Payne and David C. Boazman, be, and they are hereby, authorized to establish a ferry over Saluda River, between Edgefield and Newberry Districts, three or four miles below Chappell's Bridge, and about six miles above Higgins' Ferry; and that the same be hereby chartered and vested in the said David Payne and David C. Boazman, their heirs and assigns, for the term of seven years, with the same rates of toll as allowed by law at Higgins' Ferry.

Ferry over Saluda River established.

XIII. That the sixteenth Section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed on the nineteenth day of December, eighteen hundred and forty-nine, establishing a public road from Vance's Ferry Post Office, across the Four Holes Swamp, to the point where the Waterborough Road intersects the Orangeburg Road, be, and the same is hereby, repealed.

Act establishing a road from Lane's Ferry P. O., &c., repealed.

XIV. That an additional Commissioner of Roads be added to the Board for Claremont County.

Commissioner for Claremont.

XV. That whatever money may be necessary for the building and repairing of the bridges on the road on Edisto Island, known as the Bay Road, shall be collected as follows, that is to say: The Board of Commissioners of Roads for St. John's Colleton shall, at their January meeting in every third year, appoint a committee of three from its members, whose duty it shall be to appraise the

Collection of money for repair of bridges on Edisto Island.

A. D. 1850.

Taxes.

houses of each proprietor at Edingsville, once in three years, or oftener if necessary, and report to said Board the value of the same. That the Board shall lay such tax as may be necessary for the purposes before specified, in proportion to the value of such houses, and that the owner, or owners of the same, shall be liable for the amount so levied by said Board.

Repealing Section.

XVI. That all laws contrary to this Act be, and the same are hereby, repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4023. AN ACT TO ALTER AND AMEND THE LAWS RELATING TO THE CITY OF CHARLESTON IN REFERENCE TO THE TIME OF HOLDING THE CITY ELECTIONS, AND IN OTHER PARTICULARS.

City election, time of holding changed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the election for Mayor and Aldermen of the city of Charleston shall be held on the first Wednesday in September next, and on the first Wednesday in September in every year thereafter, instead of the first Monday in September, as now provided by law; and the tenure of office of the Mayor and Aldermen of the city for the present term shall be, and the same is hereby, prolonged so as to conform to this provision.

Boundary line defined.

II. That hereafter the boundary line between Wards No. 3 and No. 4, on the south, and Wards No. 5 and No. 6 on the north, in the said city of Charleston, shall be through the centre of the street lately known as Boundary street, and now known as Calhoun street.

Quorum, how many to consist of.

III. That hereafter the Mayor, and not less than twelve Aldermen, shall be a quorum of the City Council for the imposition of taxes and the appropriation of money; and that for the discharge of all other duties imposed, and all other powers and authorities vested in the said city, by law, the Mayor and not less than ten Aldermen shall be a quorum.

Upper Guard House vested in City Council.

IV. That the lot whereon stands the Upper Guard House, and the lot adjoining, with the buildings thereon, be, and the same shall be, vested in the City Council of Charleston, upon the payment of the sum of five hundred dollars to the Commissioners of Cross Roads for Charleston Neck, for the use of the inhabitants of that part of the Parish of St. Philip above the present city line.

Qualification of Commissioners.

V. That after the expiration of the term of office of the present Board of Commissioners of Cross Roads of Charleston Neck, the qualification for a Commissioner shall be the possession of landed

property worth at least five hundred dollars, or a residence on Charleston Neck six months prior to the election.

A. D. 1850.

VI. That all Acts and parts of Acts hereto repugnant be, and the same are hereby, repealed.

Acts repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE STATE TO AID IN THE CONSTRUCTION OF THE SPARTANBURG AND UNION RAILROAD.

No. 4024.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory proof is produced to the Comptroller General that three hundred and seventy-five thousand dollars are duly subscribed by responsible persons to the capital stock of the Spartanburg and Union Railroad Company, and that the said company has been duly organized, he is hereby authorized to subscribe, on the part of the State, one hundred and twenty-five thousand dollars to the said capital of said company, to be paid in the stock held by the State in the South Carolina Railroad Company, equal at its par value to the said sum; and that he take, in the name of the State, a certificate from the said company for that amount of stock, which said stock, in the South Carolina Railroad Company, shall be accepted by the said Spartanburg and Union Railroad Company for the said amount, without any recourse whatever against the State.

State stock.

II. The subscription shall be paid in the manner, and subject to the terms and conditions hereinafter expressed.

III. Whenever satisfactory proof shall be produced to the Comptroller General that the sum of fifty thousand dollars shall have been paid by the stockholders, and expended in the construction of said road, the Comptroller General shall transfer and deliver to said company so much of the stock of the State in the South Carolina Railroad Company as shall amount, at its par value, to fifty thousand dollars; and when similar proofs shall be produced to the Comptroller General that fifty thousand dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver fifty thousand dollars more of said stock to said company, and in the same manner the remaining subscription of twenty-five thousand dollars shall be paid to the said company when the road shall be finished and in operation.

Transfer of stock.

IV. The State shall in no way whatever be liable for the debts and contracts of the said railroad company.

State not liable for debts.

V. The State shall have the same rights in the company, and in its management, as is reserved to private stockholders, and the

Rights of the State.

A. D. 1850.

General Assembly shall, at any time, have a right to examine into the condition of the said company, and the company shall annually submit to the Legislature a report exhibiting its condition and prospects.

Lien upon property.

VI. In case any of the payments made by the State shall be in advance of the calls upon the private stockholders, the State shall have a lien upon the whole property of the company to secure the same unto the State.

Junction of roads.

VII. An irrevocable condition is hereby imposed upon said company, that said company shall locate the Spartanburg and Union Railroad so as to form a junction at some convenient and practicable point with the Greenville and Columbia Railroad, or at some convenient and practicable point with the Charlotte and South Carolina Railroad.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4025. AN ACT TO AMEND AN ACT PASSED ON THE EIGHTEENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY, ENTITLED "AN ACT TO ASCERTAIN AND DEFINE THE POWERS, DUTIES AND LIABILITIES OF MASTERS, COMMISSIONERS AND REGISTERS IN EQUITY, AND TO PROVIDE FOR THE ORGANIZATION AND REGULATION OF THEIR RESPECTIVE OFFICES."

Act amended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the twenty-third Section of an Act, passed on the eighteenth day of December, one thousand eight hundred and forty, entitled "An Act to ascertain and define the powers, duties and liabilities of Masters, Commissioners and Registers in Equity, and to provide for the organization and regulation of their respective offices," be so amended as to require that every bill, after the determination of the cause to which it belongs, together with the subpoena or other process to answer, issued under the same, and the pleadings, exhibits and other papers filed therewith; also, any money decree that may be enrolled in the cause; also, all other papers in the same cause, to wit: Orders, decrees, reports, exceptions, returns to writs of partition, writs of *ne exeat*, attachment, injunction and execution, and all other writs and injunction partition *ne exeat*, and Receivers' bonds, shall be made up into one package, instead of separate packages as therein provided, and placed in one compartment, to be properly labelled; and, in like manner, that every petition, together with all the papers, of whatever kind, filed therewith, or appertaining thereto, shall be made up into one package instead

Papers in a cause, how to be filed, &c.

of separate packages, and placed in one compartment, to be properly labelled.

A. D. 1850.

II. All documents offered in evidence at the trial of a cause, and submitted to the Chancellor, shall, when delivered by him to the Register or Commissioner, be made up into a package, and marked evidence in the cause, and be placed with the bills or petitions to which they respectively belong, to be given up, when called for, to the Solicitors by whom they were introduced.

Evidence to be labeled, &c., and given to Solicitor.

III. The said Section of the said Act shall continue in force in every respect wherein the same is not repugnant hereto.

Explanatory Section.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HAMBURG, AND FOR OTHER PURPOSES," PASSED ON THE NINETEENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE, AND ALSO TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO INCORPORATE THE TOWN OF HAMBURG, AND FOR OTHER PURPOSES,'" PASSED ON THE TWENTIETH DAY OF DECEMBER, A. D. ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.

No. 4026.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in case of the sickness or temporary absence from the town of Hamburg of the Intendant of said town, the Wardens of said town, or four of them, may elect from amongst themselves an Intendant *pro tempore*, to act as Intendant during such sickness or temporary absence; and that the said Intendant *pro tempore* and any three of the said Wardens shall constitute a quorum for business.

Provision for an Intendant *pro tempore*.

II. That the Intendant and Wardens of the said town of Hamburg be, and they are hereby, constituted Commissioners for the Poor in said town, and that all the authority that is by law given to Commissioners of the Poor in this State shall inure to said Intendant and Wardens, to the full limits and extent of the said town, any law, usage or custom to the contrary notwithstanding.

Intendant and Wardens constituted Commissioners of Poor.

III. That the jurisdiction and authority of the Commissioners of the Poor for Edgefield District shall, from and after the passage of this Act, cease and determine within the limits of the said town; and that from and after that time the said town shall be bound to support the poor within its corporate limits.

Jurisdiction of Commissioners of Poor for Edgefield District.

A. D. 1850.
 Collection of
 fines.

IV. That from and after the passage of this Act all fines that may be imposed on free white persons by the said Intendant and Wardens for any violation of the town ordinances, when the same shall exceed the sum of twenty dollars, shall be collected by action of debt in the Court of Common Pleas for Edgefield District, any law or usage to the contrary notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4027. AN ACT TO AFFORD AID IN CONSTRUCTING THE COLLETON RAILROAD.

State stock.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General be, and he is hereby, authorized to subscribe the sum of twenty thousand dollars in the Colleton Railroad Company, to be paid in the stock of the State in the South Carolina Railroad Company, equal, at its par value, to the said sum; and that he take, in the name of the State, a certificate from the said company for that amount of stock, which said stock shall be accepted by the said Colleton Railroad Company for the said amount, without any recourse whatever against the State.

II. The subscription shall be paid in the manner and subject to the terms and conditions hereafter expressed.

Transfer of
 stock.

III. Whenever satisfactory proof shall be produced to the Comptroller General that the sum of sixty thousand dollars shall have been subscribed by stockholders other than the State, and that the sum of ten thousand dollars shall have been paid in by the said stockholders, and expended in the construction of said road, the Comptroller General shall transfer and deliver five thousand dollars more of said stock to said company, and, in the same manner, the remaining subscription of five thousand dollars shall be paid to the said company when the road shall be finished.

State not lia-
 ble for debts.

IV. The State shall, in no way whatever, be liable for the debts and contracts of the said railroad company.

Rights of the
 State.

V. The State shall have the same rights in the company, and in its management, as is reserved to private stockholders; and the General Assembly shall, at any time, have a right to examine into the condition of the said company; and the company shall annually submit to the Legislature a report, exhibiting its condition and prospects.

Lien upon
 property.

VI. In case any of the payments made by the State shall be in advance of the calls upon the private stockholders, the State shall

have a lien upon the whole property of the company, to secure the same unto the State.

A. D. 1850.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR KEEPING OPEN THE OFFICES OF CLERKS OF THE COMMON PLEAS AND GENERAL SESSIONS IN CERTAIN CASES. No. 4028.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in case of any vacancy in the office of Clerk of the Court of Common Pleas and General Sessions, in any District in this State, the Ordinary of the District in which such vacancy shall happen shall take charge of said office and all papers therein, and discharge the same duties, receive the same fees, and be subject to the same liabilities as by law provided for the Clerks of the said Court, until a Clerk shall be elected and commissioned for said District. Enacting Section.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REQUIRE THE CLERKS OF THE COURTS OF COMMON PLEAS AND GENERAL SESSIONS TO INDEX THE JOURNALS OF THE COMMON PLEAS AND GENERAL SESSIONS. No. 4029.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the eighth Section of an Act entitled "An Act concerning the office and duties of Clerks, Registers of Mesne Conveyances and Commissioners of Locations," passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-nine, be, and the same is hereby, amended so as to require the Clerks of the Courts of Common Pleas and General Sessions, in addition to the indexes specified in said Act, to make and keep, hereafter, indexes to the respective journals of the Common Pleas and General Sessions, to be alphabetically arranged at the end of Enacting Section.

A. D. 1850.

each volume, which index shall always be brought up by the first day of each succeeding term. And that the said Clerks, for neglect or refusal to perform the duty herein required, shall be liable to be proceeded against in the same manner, and subject to the same punishment as for the neglect or refusal to make and keep indexes to the books heretofore required by law.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4030. AN ACT TO PROVIDE FOR THE PAYMENT OF THE INSTALMENTS DUE ON THE SHARES HELD BY THE STATE IN THE SOUTH CAROLINA RAILROAD COMPANY.

Bank of the State and Comptroller General to make payment of instalments.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of the President and Directors of the Bank of the State of South Carolina, together with the Comptroller General, to make the necessary arrangements for the payment of the instalments due to the South Carolina Railroad Company on the shares in the stock of said company now held by the State.

Comptroller General shall pledge sufficient shares to bank.

II. That the better to effect the purpose aforesaid, the Comptroller General is hereby authorized and required to pledge to the President and Directors of the Bank of the State of South Carolina, so many of the shares aforesaid in the said South Carolina Railroad Company, now held by the State, as shall be equal in value to the amount required on account of the instalments aforesaid: *Provided*, That the said shares shall, in no event, be estimated at less than their par value.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4031. AN ACT TO CONFIRM A GRANT UNTO JOHN J. MOORE, WHICH, BY MISTAKE, WAS ISSUED IN THE NAME OF JOHN MOORE.

Enacting Section.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a grant heretofore issued in the name of John Moore, on

the ninth day of March, one thousand eight hundred and forty-eight, for sixteen hundred and fifty acres, surveyed the seventh day of December, eighteen hundred and forty-seven, situate in Sumter District, in the Wateree Swamp, be taken and deemed as conferring title in John J. Moore, his heirs and assigns, forever, to all intents and purposes, and, in effect, precisely as if the said grant had been originally certified, and the said grant had originally issued in the name of the said John J. Moore.

A. D. 1850.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO DECLARE CERTAIN CHILDREN OF ATTICUS TUCKER No. 4032.
LEGITIMATE, AND TO CHANGE THEIR SURNAMES.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the children of Atticus Tucker, of Edgefield District, begotten on the body of Nancy Morris, now his wife, before his marriage with her, called by the names of Hamilton Butler Morris, Pickens Landon Morris, and Atticus Calhoun Morris, be, and they are hereby, declared legitimate, with right to take and hold any estate by descent, purchase or as next of kin, in the same manner as if they had been born in lawful wedlock, between the said Atticus Tucker and Nancy Morris; and that their surnames respectively be, and they are hereby, changed from Morris to Tucker.

Enacting Section.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RESTORE THE DUE COMPENSATION OF THE TAX No. 4033.
COLLECTOR OF ST. PHILIP'S AND ST. MICHAEL'S.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter the Tax Collector of the said Parishes shall be entitled to a commission of four dollars per centum on all sums of money annually to be received by him for general taxes until the said commission shall amount to three thousand dollars; after

Amount of commission.

A. D. 1850.

which he shall be entitled only to one per centum on the remainder of the moneys so to be received.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4034.

AN ACT TO PROHIBIT BETTING ON ELECTIONS.

Enacting Section.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person who shall hereafter make any bet or wager of money, or wager of any other thing of value, or shall hereafter have any share or part in any bet or wager of money, or wager of any other thing of value, upon any election in this State, shall be deemed guilty of a misdemeanor, and upon conviction in any Court of Sessions in this State, shall be fined in a sum not exceeding five hundred dollars, and be imprisoned not exceeding one month: one-half of the fine to go to the informer, and the other half to the use of the State.

Penalty.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4035. AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER COMPANY OF ARTILLERY WITHIN THE LIMITS OF THE "INDEPENDENT BATTALION."

Adjutant and Inspector General to receive artillery company into "Independent Battalion."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and he is hereby, authorized and empowered to inspect and receive into the battalion known as the "Independent Battalion," and now attached by law to the Thirteenth Regiment of Infantry, South Carolina Militia, a new volunteer company of Artillery, to be called the "Calhoun Artillery," any law to the contrary hereof notwithstanding.

Of the officers and privates.

II. The said company shall have attached to the same one Captain, two Lieutenants, two Sergeants, and two Corporals, and shall consist of not more than thirty nor less than fifteen, including officers, non-commissioned officers and privates, any law to the contrary

notwithstanding; and whenever reduced below the number of fifteen, above required, if it shall not recruit to such number, within six months after notice to its commander to fill up its ranks, it shall be dissolved, and the commissions of its officers vacated.

III. The said company shall be subject to all laws and regulations governing the "Independent Battalion," and shall conform to all the requisitions of the laws of this State in relation to the reception of volunteer companies, and all other militia laws of force in this State, or hereafter to be made of force, except as herein provided.

A. D. 1851.

Conditions for
continuance of
their commis-
sions.

Company to
be subject to
battalion laws.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE. No. 4036.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the public treasury of this State for the use and service thereof, that is to say: thirty-five cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to existing classification heretofore established; one-half cent per acre on all lands lying within the Catawba Indian boundary, to be paid by each grantee or lessee of said Indian lands, until otherwise directed by law; fifty-six cents per head on all slaves; two dollars on each free negro, mulatto and mustizoe between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collector, to be incapable, from maims or otherwise, of procuring a livelihood; twenty-five cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; sixty cents per hundred dollars on forage, employments, faculties and professions, (whether in the profession of the law, the profits to be derived from costs of suit, fees or other sources of professional income,) and on the amount of commissions received by Vendue Masters and Commission Merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted;) sixty cents upon every hundred dollars' worth of goods, wares and merchandise, embracing all the articles of trade, for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall use or employ as articles of trade, sale, barter or exchange, or have in his, her or their possession on the first day of January in the year of our Lord one thousand eight hundred and fifty-two, either on his, her or their own capital or bor-

Tax on lands.

Slaves and
free negroes.

Lots and
buildings.

Forage
and other em-
ployments.

Merchandise.

- A. D. 1851. } rowed capital, or on account of any person or persons, as agent, attorney or consignee; sixty cents upon every hundred dollars' worth of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall sell or expose for sale, in any house, stall or public place; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any kind whatsoever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.
- Public exhibitions. }
- Payment of taxes. II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located.
- Direct European importations exempted. III. The goods which shall be imported directly from Europe in any vessel owned by citizens of South Carolina shall be exempt from taxes in the hands of the original importer. And it shall be the duty of the Tax Collectors to require every importer making a return of stock in trade to produce the original invoice, whenever an exemption from taxation shall be claimed under this Section.
- Duty of Tax Collectors in cases of exemption. IV. In making assessments for taxes, the value of taxable property used in manufacturing, or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.
- Machinery not liable to assessment. V. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are, required and enjoined, to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rate per centum on the amounts of the State tax collected for said District and Parish police purposes, and the Comptroller General shall return the same in his report.
- Returns of Tax Collectors. }
- Duty of the Comptroller. }

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4037. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State government, that is to say :

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

A. D. 1851.
 Executive
 Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature and its investigating Committees, and the Solicitors and Attorney General, during the present session, twenty-one thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, two hundred dollars; for the Printers to the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, five thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts, Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the usual accompanying documents, two thousand five hundred dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division, at Columbia, before the twentieth day of February next; and the amount to be paid, according to the proposals, shall be ascertained by the Treasurer aforesaid: *And further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within three weeks after the adjournment of the Legislature; for Benjamin Hart, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, expenses for the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, five hundred dollars; for repairs of the State House and grounds, under the Committees of both

Legislative
 Department.

A. D. 1851.

Houses, four thousand five hundred dollars, if so much be necessary.

Judiciary
Department.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of ten Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said Court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for firewood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same Court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include expense of fuel; for firewood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Courts of Appeals, shall be paid by the Treasurer only upon warrants to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

Treasury
Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk's hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

South Caro-
lina College.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer

and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same.

A. D. 1851.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-five thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, fifteen thousand dollars, if so much be necessary; for the Commissioner to be appointed by the Governor to superintend the Public Works, one hundred and fifty dollars; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, twenty thousand dollars, if so much be necessary; for the support of Free Schools, thirty-seven thousand five hundred dollars, if so much be necessary; for the education of the Deaf and Dumb, and of the Blind, three thousand five hundred dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding Taxes, and paying for Stock Certificates and Interest, as directed by the reports of the Committee of Ways and Means, and of Finance, and agreed to by the Legislature, five hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other Committees, three thousand dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

Ordinary
civil expenses.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper at Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard at Charleston, five hundred dollars; and for the support of the Arsenal and Magazine Guard at Charleston, sixteen thousand dollars, if so much be necessary; for the support of the Arsenal and Magazine Guard, at Columbia, eight thousand dollars, if so much be necessary; and the Arsenal and Magazine Guard shall be under the direction of the Governor, so that their support shall not exceed the appropriations respectively; for repairing arms, and Arsenal purposes, in Charleston and Columbia, two thousand dollars, if so much be necessary; for the Military Accounts, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies throughout the State, fourteen hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the ensuing year, for all services in issuing all military commissions, eight hundred dollars, in lieu of all other charges for these services, to be paid as other salaries are directed

Military ex-
penditures.

A. D. 181

to be paid by law; for the Military Academy, at Columbia, ten thousand dollars, to be applied according to the report of the Committee on the Military; for additional appropriation for the support of the Military Academy, at Charleston, in pursuance of same report, three thousand dollars.

Ordinary local expenditures.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor of Charleston, four thousand five hundred dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, three hundred and twenty-one dollars fifty-three cents, to be expended by the Commissioners of the Poor of Prince George, Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry on Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Extraordinary expenditures.

IX. FOR EXTRAORDINARY EXPENDITURES.—For the purposes ordered by the Committee on the State House and Grounds, in pursuance of the resolutions adopted at the last session, the sum of five thousand six hundred and twenty dollars, received at the Treasury from sale of Columbia lots, and the Treasurer is directed to pay over to the order of the same committee, for the purposes aforesaid, any further sum to be received from the sale of said lots; for refunding the Laurens Railroad Company the dividend received in July last upon stock to which they were equitably entitled, eleven hundred and fifty-six dollars; for the pay of the members of the State Convention, to be held on the fourth Monday in April next, ten thousand dollars, if so much be necessary; each member to receive the same pay that is now by law allowed to members of the Legislature; for the Clerk, and the Messenger and the Doorkeeper of the said Convention, each the same pay that is now by law allowed to the members of the Legislature; for the Commissioners to report upon the survey of Charleston harbor, five thousand dollars to be paid to the order of the said Commissioners.

Three per cent. stock.

X. That after the passing of this Act, the President and Directors of the Bank of the State shall pay the accruing interest on the three per cent. stock now issued by the State, and also the principal and interest due upon the stock issued for the subscription to the South Western Railroad Bank, and the dividends hereafter declared by the last mentioned bank shall be received by the Treasurer and carried to the general credit of the State.

South Western Railroad Bank stock.

The Roper Fund.

XI. For the Trustees of the Roper Fund, ten thousand dollars, to be paid to the said Trustees, or their order, for the purposes indicated in the report adopted; and in conformity with the said report, the Roper Hospital is hereby exempted from the payment of taxes; for

I. C. Morgan, public printer, for error in his account of last year, six hundred and twenty-two dollars fifty cents.

A. D. 1851.

XII. FOR PUBLIC BUILDINGS.—For a new court house at Marion, ten thousand dollars, to be paid according to the recommendation of the report of the Committees on that subject; for a new court house at Yorkville, four thousand dollars; for building a new court house at Greenville, eight thousand dollars; for the court house at Newberry, eleven hundred dollars; for additional appropriation for Marlborough Court House, one thousand dollars. All the foregoing appropriations, for public buildings, to be drawn and expended under the direction of the Commissioners of Public Buildings of the several Districts.

For error in public printer's account of 1850.

Public buildings.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE ABOLITION OF THE RIGHTS OF PRIMOGENITURE, AND FOR GIVING AN EQUITABLE DISTRIBUTION OF THE REAL ESTATES OF INTESTATES, AND FOR OTHER PURPOSES THEREIN MENTIONED." No. 4038.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, when any person shall die intestate, leaving no lineal descendants, but leaving a widow, and a father or mother, and brothers and sisters, or brother or sister of the whole blood, the estate, real and personal, of such intestate, shall be distributed in the following manner, that is to say: The widow shall be entitled to one moiety of the said estate, and the other moiety shall be equally divided amongst the father, or, if he be dead, the mother and the brothers and sisters of the whole blood. The children of a deceased brother or sister shall take among them respectively the share which their respective ancestors would have been entitled to had they survived the intestate.

Intestate's estates, how to be divided.

II. Whereas, by an Act passed the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, it was enacted, "That from and after the passing of the same, in all cases in which any person shall die intestate, leaving neither wife, child or children, or lineal descendant, but leaving a father or mother, and sisters, or brother and sister, or brother or sister, one or more, that the estate, real and personal, of such intestate shall be equally divided amongst the father, or, if he be dead, the mother and such brothers and sisters as may be living at the time of the death of such intestate, so that such father or mother, as the case

Act of 1779—how to be interpreted.

A. D. 1851.

may be, and such brother and sister so left living by the intestate, shall each take an equal share of his estate, real and personal:"

Be it enacted, That brothers and sisters, in the said Act mentioned, shall be taken and understood, and they are hereby declared to be, brothers and sisters of the whole blood.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4039. AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE OPERATION OF BENEFIT OF CLERGY.

The benefit of Clergy allowed in case of felony not to bar conviction in any other case.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, benefit of clergy allowed to one who has been convicted of felony, shall not be held to bar conviction in any other felony, or remit the punishment thereof, nor operate in any way for the relief of the person convicted, beyond the felony on which it has been prayed and allowed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4040. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES, AND TO AMEND THE LAW RESPECTING COMMISSIONERS OF ROADS IN CERTAIN PARTICULARS.

Ashepoo Ferry re-chartered.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge across Seneca River, known as Cherry's Bridge, be, and the same is hereby, re-chartered for the term of fourteen years, and that the same be vested in David Cherry, his heirs and assigns, with the same rates of toll as now allowed by law.

Road in St. George, Dorchester, established.

II. That a new road be laid out in Saint George Dorchester, running from Ridgeville, on the South Carolina Railroad, to the old River Road, at or near Beech Hill, and that the same be a public road.

White Hall Ferry re-chartered.

III. That the ferry known as White Hall or Beaufort Ferry, be re-chartered for the term of seven years, and that the same be vested

in William A. Morecock, his heirs and assigns, with the same rates of toll as those now allowed by law.

A. D. 1851.

IV. That an Act passed in the year of our Lord one thousand seven hundred and seventy-nine, directing and authorizing a canal to be cut and kept open from Ashepoo River to Pon Pon, called Elliott's Cut, be, and the same is hereby, repealed, and the said canal, called Elliott's Cut, be discontinued as a public highway.

Elliott's Cut Canal discontinued.

V. That the ferry called Mars Bluff Ferry, on Big Pee Dee, be re-chartered, and vested in S. F. Gibson, his heirs and assigns, for the term of seven years, with the same rates of ferriage as those now allowed by law.

Mars Bluff Ferry re-chartered.

VI. That Stephen Watson, William Smith, William Oliver, F. M. Mitchell and E. M. Keith, be appointed Commissioners for the purpose of laying out a road from Pickens Court House to Greenville Court House, by the way of Pickensville, and that the road laid out by said Commissioners be, and the same is hereby, established as a public road.

Road established between Pickens C. H. and Greenville C. H.

VII. That the road now existing, known as the Ridge Road, in the parishes of St. John's Berkeley and St. James' Goose Creek, leading from the Congaree or Monk's Corner Road, in the parish of St. John's Berkeley to the State Road in St. James' Goose Creek, the said road beginning near the forty-seven mile post on the Congaree or Monk's Corner Road, and ending at the Wassamassaw Bridges on the State Road, be, and the same is hereby, established as a public road.

Bridge Road established.

VIII. That the bridge across Little Pee Dee River, in Marion District, known as Gilchrist Bridge, be, and the same is hereby, chartered for the period of seven years, and that the same be vested in Daniel Gilchrist, his heirs and assigns, with the same rates of toll as are now established by law.

Gilchrist Bridge chartered.

IX. That a free bridge across Saluda River, within the plantation of John A. Easley, in Pickens District, be, and the same is hereby chartered for the term of fourteen years, and that the same be vested in Samuel A. Easley and John A. Easley, their heirs and assigns.

Bridge across Saluda River chartered.

X. That the change as made in the Cross Street in Union Village, near the dwelling of Thomas N. Dawkins, be confirmed and established, and the substituted street be accepted in lieu of the one obstructed.

A street in Union village established.

XI. That the road leading from Love's Ford, on Broad River, in Union District, to the road leading from Seafie's Ferry to Pinckney Ferry, in said District, be, and the same is hereby declared to be, a public road.

Road established in Union District.

XII. That the Bridge called Bacon's Bridge, on Ashley River, be, and the same is hereby, re-chartered and vested in Benjamin Perry, his heirs and assigns, for the term of seven years, with the rates of toll formerly allowed said Bridge, on condition that the said Benjamin Perry shall, on the first Monday in January, in each year, pay to the lower Board of Commissioners of Roads, Bridges and Ferries, in St. George Dorchester, the sum of twenty-five dollars.

Bacon's Bridge re-chartered.

XIII. That the Ferry on Savannah River, known as Sand Bar Ferry, be, and the same is hereby, re-chartered and vested in Elizabeth Whatley, her heirs and assigns, for the term of seven years, with the same rates of toll as those now allowed by law.

Sand Bar Ferry re-chartered.

- A. D. 1851.
 Rial's Ferry re-chartered.
- Road from Anderson C. H. established.
- The duties of Commissioners.
- The duties of Clerks of the Courts.
- Clerks' compensation.
- Road established on old Charleston Road.
- Gent's Road discontinued.
- Road established in Newberry District.
- Wilson's Bridge re-chartered.
- Cox's Ferry re-chartered.
- Fifth Section of Act of 1850, authorizing opening of road, repealed.
- Road established in Williamsburg District.
- XIV. That Rial's Ferry, on Waccamaw River, be, and the same is hereby, re-chartered and vested in William S. Todd, his heirs and assigns, for the term of seven years, with the same rates of toll as those now allowed by law.
- XV. That John Bellot, William Hix, S. P. Hillhouse, Kennon Brazeale, and J. Y. Fretwell, be appointed Commissioners to open a new road from Anderson Court House, by Centerville and Hix's Ford, on Twenty-three Mile Creek, to Bruce's, on Seneca River, and that the same be a public road.
- XVI. That it shall be the duty of the Chairman of each Board of Commissioners of Roads, Bridges, and Ferries, in this State, to file with the Clerk of the Court of General Sessions and Common Pleas of the Judicial District in which his Board may be, in each year, the names of the members constituting said Board; and also a specification of the roads assigned to each member of the Board to superintend and keep in repair. And the said Clerk shall keep a book, in which he shall enter or transcribe said statement of the names of the Commissioners, and the roads assigned to each, which book shall remain as a permanent record in his office. And the said Clerks shall receive nine cents per copy sheet for entering and recording the same, to be paid by the different Boards of Commissioners, respectively, out of any funds which they are now authorized to receive.
- XVII. That the road now opened from a point near Mrs. Kirkpatrick's, on the old Charleston Road, to its intersection with the Gent's Road, be, and is hereby declared to be, a public road, and that the Gent's Road, from that point to its present intersection with the Charleston Road, be discontinued.
- XVIII. That a public road be opened and established in Newberry District, leading from Jacob Banker's to William Martin's, and passing by James Wilson, Sen., thence into the travelled road passing by James Wilson's (son of Hugh Wilson,) and along the open road into Hugh Wilson's field; thence to the right, along a ridge through William Martin's field, connecting with the Calmes Road, at said Martin's house.
- XIX. That the toll bridge over Saluda River, known as Wilson's Bridge, be, and the same is hereby, re-chartered, and vested in Jasper Wilson, C. G. Garrison and Hugh Wilson, their heirs and assigns, with the same rates of toll, and with the privileges heretofore granted to them, for the term of fourteen years.
- XX. That the ferry known as Coxe's Ferry, on the Waccamaw River, be, and the same is hereby, re-chartered, and vested in Frances P. Cox, widow of Herman Cox, her heirs and assigns, for the term of seven years, with the same rates of toll, and with the same privileges heretofore granted.
- XXI. That the fifth Section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be, and the same is hereby, repealed, and the road thereby authorized to be opened, discontinued.
- XXII. That the Commissioners of Roads for Williamsburg District, be, and they are hereby, authorized to lay out and open a public road, commencing at the road running from Indian Town

Church to Bethesda Church, not far from where the said road is intersected by the road running from Scott's Steam Mill to Brown's, Causeway, from thence, by the most direct practicable route, to James G. Burgess', and on by Minto W. McGill's plantation to White Oak Church, and from thence, in a direct course, to the road leading from Kingstree to Georgetown.

XXIII. That so much of the road in Edgefield District, known as the old Charleston Road, as lies between the fork of that and the Island Ford Road, near the house of Z. W. Carwile, and a branch crossing the said Charleston Road, on the plantation of N. L. Griffin, be, and the same is hereby, discontinued as a public highway; and that a new public road, from the point on the said Charleston Road where the said branch crosses the said Charleston Road, as before mentioned, by or near the residence of James Creswell, to or near the present residence of Henry H. Hill, on the said Island Ford Road, be, and is hereby, established, and that James Creswell, R. C. Griffin, Thomas S. Daniel, Z. W. Carwile and N. L. Griffin, be, and hereby are, appointed Special Commissioners to superintend the laying out and opening of the said road.

XXIV. *Be it further enacted* by the authority aforesaid, That a certain neighborhood road in Greenville District, commencing at a point about six and a half miles from Greenville Court House, on the road to Rutherfordton, North Carolina, passing from thence by Mrs. Barton's, Chick's Springs, George King's and John Green's, to a point where it intersects the Spartanburg and Greenville road, at or near Mason's, be, and the same is hereby, declared a public highway; and it shall be the duty of the Commissioners of Roads of the said District to open and keep the same in repair, according to law.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCREASE THE AMOUNT OF PROPERTY EXEMPT FROM LEVY AND SALE. No. 4041.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following property, in addition to that now exempted by law, to wit: To each family the dwelling house, and houses appurtenant thereto, together with fifty acres of land, and also one horse and twenty-five dollars' worth of provisions, be, and the same are hereby, exempted from levy and sale under *feri facias* and assignment under mesne or final process: *Provided*, That the said exemption shall not include or extend to any property situate within the limits of any city or town corporate of this State: *And provided, further*, That the value of said real estate shall not exceed the sum of five hundred dollars.

A. D. 1851.

A road in Edgefield District discontinued, and new road established.

Road established in Greenville District.

Property exempt from levy and sale.

A. D. 1851.

The Clerk of Court to appoint Commissioners to lay off land.

II. That in all cases where the landed property of the debtor shall exceed fifty acres, three Commissioners shall be appointed by the Clerk of the Court, upon the application of either the plaintiff or defendant in the execution, whose duty it shall be to lay off to the debtor fifty acres of land, including the homestead, which shall always be done most favorably and beneficially for the family for whose benefit the provision is made; the remainder of whose land may be liable as in other cases.

Further duties of Commissioners.

III. And if the said fifty acres, including the homestead, so laid off, shall exceed in value, by the estimation of said Commissioners, or a majority of them, the sum of five hundred dollars; then and in all such cases, the said Commissioners shall proceed to lay off such quantity less than fifty acres, as hereinbefore provided, the value of which shall not exceed the said sum of five hundred dollars, the remainder of which may be sold as in other cases.

Commissioners to make return—their compensation.

IV. That the said Commissioners shall make a full return under their hands and seals, of their proceedings in the premises, together with a plat or some other concise description of the lands laid off by them, to the Clerk of the Court, and shall be entitled to receive a compensation for their services, not exceeding one dollar each, per day, to be paid by the defendant; and the Clerk of the Court shall keep a suitable book, in which the appointment of the Commissioners, together with their return, and all other proceedings in the case, shall be recorded, for which services the said Clerk shall be entitled to receive in like manner, from the defendant, the sum of three dollars.

The Clerk of Court to record proceedings—his compensation.

Act to take effect.

V. That this Act shall take effect, from and after the first day of March next, in relation to all debts thereafter contracted.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4042. AN ACT TO INCORPORATE "THE SOUTH CAROLINA BUILDING AND LOAN ASSOCIATION."

Enacting clause.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William Laval, William Kirkwood, Samuel Hart, Sen., E. B. Crews, E. C. Tharin, Thomas O. Elliott, E. M. Whiting, E. Welling, L. Josephs and William J. Laval, together with other persons who now are or hereafter may be associated with them, be, and they are hereby, declared a body corporate and politic, for the purpose of making loans of money secured by mortgages of real estate, to their members and stockholders, by the name and style of "The South Carolina Building and Loan Association," the capital stock of which shall consist of sixteen hundred

Title of association.

shares, with the privilege of increasing the same to two thousand shares, to be paid in by successive monthly instalments of one dollar on each share, so long as the corporation shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments, as the regulations and by-laws of the said corporation may prescribe.

A. D. 1851.

II. That the said company shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made or to be made by them for their government, and shall have power and authority to make any such rules and by-laws as are not repugnant to the Constitution and laws of the land; shall have and keep a common seal, and alter the same at will; shall sue and be sued, implead and be impleaded, in any Court of law or equity in the said State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

Of the officers.

Rules and by-laws.

Rights and privileges.

III. That the funds of the said corporation shall be loaned and advanced to their members and stockholders, upon the security of real estate, on such terms and conditions, and subject to such regulations, as may, from time to time, be prescribed by the by-laws of the said corporation; and it shall and may be lawful for the said corporation to hold such lands, tenements and hereditaments as shall have been *bona fide* mortgaged and conveyed to it by way of security upon its loans and advances, or purchased at sales made according to law, upon judgments or decrees at law or equity for the recovery of their debts, and to sell, alien or otherwise dispose of the same, as they may, from time to time, deem expedient.

Funds of the corporation to be loaned to stockholders—the conditions.

IV. That should it so occur that the funds of the said corporation shall remain unproductive and uncalled for for the space of two months, by their own stockholders and members, then it shall be lawful for them to lend what may be on hand to others than stockholders, at the rate of seven per centum per annum, if it be safely invested, and be repaid within one year.

Provision for unproductive funds.

V. That whenever the funds of the said corporation shall have accumulated to such an amount that, upon a fair division thereof, each stockholder, for each and every share of stock by him or her so held, shall have received, or be then entitled to receive, the sum of two hundred dollars, or the value thereof in property, and such distribution and division shall have been made, then this corporation shall cease and determine: *Provided*, That in case the said corporation shall not have closed its operations and affairs, as above provided for, within a shorter period, then this Act shall not continue in force beyond ten years.

Limitation of charter.

VI. That this Act shall be deemed a public Act, and be given in evidence without being specially pleaded.

Public Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1851.

AN ACT TO INCORPORATE THE WHITE WATER FALLS TURNPIKE COMPANY.

No. 4043.

Enacting
clause.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That F. N. Garvin, Carwell Hester, and those persons who may associate with them, be authorized and empowered, at their own expense, to lay out, erect and keep in repair, a turnpike road in Pickens District, in this State, from Jocassee Valley, by the most practicable route, to the White Water Falls, and thence to the North Carolina line; and for the purpose of establishing the said road, the said F. N. Garvin, Carwell Hester, and their associates, shall be, and they are hereby, incorporated as a body politic and corporate, by the name and style of the White Water Falls Turnpike Company, and shall have succession of officers and members, to be appointed according to the by-laws and regulations the said company may establish.

Title.

Capital stock.

II. The capital stock of the said company shall consist of one thousand five hundred dollars, in shares of twenty dollars each, to be subscribed in books opened for the purpose, under the direction of F. N. Garvin and Elijah Alexander, on such days, by such persons, and at such places as they may appoint; and when the sum of one thousand dollars shall be subscribed, a meeting of the stockholders shall be called by the above named Commissioners, and the company may be organized by those representing a majority of the stock, each share entitling the owner to a vote.

Organization
of company.Rules and
by-laws.To hold real
estate and per-
sonal property,
&c.

III. The said corporation shall have power to make such rules and by-laws, not repugnant to the laws of the land, as they may deem expedient; shall be able and capable in law to hold and enjoy any estate, real or personal, not exceeding in amount double the amount of their capital stock; and by the name aforesaid may sue and be sued in any Court of law or equity in this State; may have a common seal, and have a corporate existence for the term of fourteen years (unless their charter be forfeited by law) from the completion of the same.

Time allowed
for organizing
company, and
complete road.

IV. The company herein authorized shall be allowed one year from the ratification of this Act to organize and commence the road hereby authorized, and two years from the commencement of the work to complete the same.

Privilege to
erect toll gates.

V. That it shall and may be lawful for the said company to erect one or more toll gates for the collection of toll, and shall be authorized to take and receive as a toll for passing said turnpike according to the following rates, to wit: For every four-wheeled carriage, twenty cents; for every buggy or other one-horse carriage, fifteen cents; for every loaded wagon and team, twenty-five cents; for every empty wagon and team, twenty cents; for every two-horse wagon, fifteen cents; for every cart or other carriage than as above, ten cents; for every passenger on horseback, five cents; for every head of horses or cattle, three cents; for every head of hogs, sheep or goats, one cent.

Rates of toll.

Obstructing
the road—pen-
alties.

VI. If any person shall wilfully destroy, injure or obstruct the said road, he shall be liable to pay treble damages to the company, to be recovered by suit at law in any Court of record in this State

having jurisdiction, and shall also be liable to indictment in the Courts of Sessions, as for injury or obstruction to a public highway, and punished by fine and imprisonment, at the discretion of the Court, one-half of which fine shall go to the informer, the other half to the District.

A. D. 1851.

Road to be kept in repair.

VII. For failure to keep the said road in proper repair after the same shall have been completed, the said company shall be liable to a forfeiture of the charter herein granted.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE CHARTER OF THE KING'S MOUNTAIN RAILROAD COMPANY. No. 4044.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the King's Mountain Railroad Company, which has been formed in compliance with the charter granted by this State, be, and the same is hereby, incorporated, and shall be known by the name of the King's Mountain Railroad Company, and by this title shall have corporate existence, and shall have perpetual succession of members, may have a common seal, may sue and be sued, plead and be impleaded, in any Court of law and equity, make all such rules, regulations and by-laws, not inconsistent with the laws and Constitution of this State or of the United States, and shall have and enjoy all other rights, privileges and immunities which other corporate bodies may of right exercise, as far as may be necessary for accomplishing the objects designed by this Act.

Enacting clause.

Title.

Privileges.

II. That the affairs of said company shall be managed and directed by a general Board, consisting of a President and eight Directors, to be elected by the stockholders from among their number.

Board of Directors.

III. That there shall be annual meetings of the stockholders, at Yorkville, at such times as the preceding annual meeting shall have appointed or the by-laws may prescribe. At such or any special meeting, stockholders may vote by proxies, under such regulations as the by-laws shall direct: *Provided*, That in no case shall the President, or any officer or agent of the company, be the proxy of a stockholder, and all and every such proxy shall be void.

Annual meeting of stockholders.

Proxies.

Proviso.

IV. That the stockholders, at every annual meeting, shall elect a President and eight Directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected and enter upon their duties; but the said President and any of the Directors may at any time be removed, and the vacancy thereby occasioned be filled by a

Annual election.

Removal of officers.

- A. D. 1851. majority of votes given at any general or called meeting. The President, with any four or more of the Directors, or, in the event of the absence of the President, any five or more of the Directors, who, in such case, shall appoint one of their body President *pro tempore*, shall constitute a Board for the transaction of business. In case of a vacancy in the office of President, or any Director, by death or otherwise, the vacancy may be filled by appointment of the Board until the next annual meeting.
- Quorum for business. V. That at every meeting of the stockholders each member shall be entitled to one vote for each and every share held by him, to be given by the stockholder in person, or by his proxy, in all elections, and upon all matters to be submitted to the decision of the company; and to constitute a meeting of the stockholders, a majority of all the shares shall be represented by the stockholders themselves, or by his, her or their proxy or proxies, and if a sufficient number do not appear on the day appointed, those that do attend shall have power to adjourn from time to time, until a regular meeting shall be formed.
- Vacancies—how filled. VI. That a special meeting of the company may be called by the President, or a majority of the Directors, or whenever ten members or more, owning together one hundred shares, shall require it.
- Voting privileges. VII. That the President and Directors of the said company shall be, and they are hereby, vested with all the rights and powers necessary for the construction, repairing and maintaining of a railroad, with one or more tracks, to be used with steam, animal, or other power, which road shall extend from some point on the Charlotte and South Carolina Railroad to Yorkville, and may use any section of the road constructed by them, before the whole of said road may have been completed, and the said President and Directors may cause to be constructed, for the said company, all works whatever, which may be deemed necessary and expedient, and necessary for the successful and proper completion of the said railroad. They may appoint a Secretary and Treasurer and other officers, and take from them bonds and security for the faithful performance of their duty, which said bonds shall be made payable to the said company, but the compensation shall be regulated by the stockholders in general meeting.
- Special meetings. VIII. That all contracts or agreements authenticated by the President and Secretary shall be binding on the company without a seal; or such a mode of authentication may be used as the Board of Directors may adopt.
- Powers vested in the company. IX. That if any of the stockholders shall fail to pay the instalments required of him on his share or shares, by the President and Directors, or a majority of them, within one month after the same shall have been required, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving twenty days' notice of the time and place of sale; and after retaining the sum, and all the expenses incident to the sale out of the proceeds, shall pay the surplus to the former owner or his legal representative or assignees, and any purchaser of the stock of the company, under the sale of the President and Directors, as aforesaid, shall be subject to the same rules and
- Contracts.
- Liabilities of stockholders in case of failure to pay instalments.

regulations as the former proprietor, and no sale by the original proprietor of stocks, or his assignees, shall release the original proprietor from his original obligations to the company to pay the whole amount of his subscription. And in addition to the foregoing remedy, the President and Directors may proceed by action of debt or assumpsit, in any of the courts of law in this State, for the recovery of the instalments due, and not paid by any delinquent stockholder or his assignee who shall not pay the same on requisition made in manner and form aforesaid.

A. D. 1851.

X. That if the capital stock of the company shall be found insufficient for the purposes for which said company is formed or incorporated, it shall and may be lawful for said company, at some general meeting, by a vote of the stockholders, from time to time, to increase the capital stock to an amount not exceeding three hundred thousand dollars, by the addition of as many shares as may be necessary for that purpose, in the same way and manner as the original stock is directed to be raised.

Increase of capital stock.

XI. That the President and Directors shall have power to borrow money for the objects of this Act, to issue certificates, or other evidence of such loans, and to make the same convertible into the stock of the company, at the pleasure of the holders: *Provided*, That the capital stock shall not be thereby increased to an amount exceeding three hundred thousand dollars.

Power to borrow money, issue certificates, &c.

XII. That the President and Directors shall, at every annual meeting of the stockholders, make a report of their proceedings and disbursements of money.

Annual report.

XIII. The said company may purchase, hold, sell, lease and convey, and acquire by gift or devise, estates, real, personal and mixed, which may be necessary for the said road, or the appurtenances thereof, or for the erection of depositories, store houses, houses for its officers, agents and servants, or for work shops, or for procuring stone or other materials necessary for the construction or repair of said road, or for effecting transportation thereon, and for no other purpose whatever.

Privilege to hold and convey estates.

XIV. That the said President and Directors, their officers, agents and servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct their railroad, and to lay out the same according to their pleasure; and when any lands or rights of way may be required by the said company for the purpose of constructing the said road, and, for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five Commissioners, or a majority of them, to be appointed by any court of record having law jurisdiction in the District; and the said Commissioners, before they act, shall severally take an oath before some Magistrate, faithfully and impartially to discharge the duty assigned them, and in making the said valuation, the said Commissioners shall take into consideration the damage which may accrue to the owner or owners, in consequence of the land being taken, or the right of way surrendered, and also the benefit and advantage he, she, or they may receive from the construction of the railroad, and shall state particularly the nature and amount of each, and the excess of loss or damage,

Authority to appropriate lands for road.

Commissioners to set valuation on land.

Appointment of Commissioners.

A. D. 1851.

Proceedings
of Commissioners
to be recorded.

Right to appeal.

over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way; the proceedings of the said Commissioners, accompanied with a description of the land, or right of way, to be returned to the court from which the commission issued, and be recorded. In case either party shall appeal from the valuation to the next session of the court granting the commission, and give fifteen days' notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, and the land or right of way, so valued by the Commissioners or jury, shall vest in the said company, in fee simple, so soon as the valuation may be paid or tendered. When there shall be an appeal from the valuation of the Commissioners, the same shall not prevent the works intended to be constructed from proceeding, but when the appeal is made by the company requiring the surrender, they shall be at liberty to proceed in their work on condition of giving the opposite party a bond with good security, in a penalty equal to double the said valuation, conditioned for the payment of the said valuation and interest, in case the same may be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the court.

Privilege
to appropriate
land in absence
of contracts.

XV. In the absence of any contract or contracts with the said company in relation to land through which the said road may pass, signed by the owner thereof, or his agent or any person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land on which the road may be constructed, together with the space of sixty-five feet on each side of the centre of said road, has been granted to the said company, by the owner or owners thereof, and the said company shall have a good right and title thereto, and shall have, hold, and enjoy the same, discharged from all prior liens, as long as the same may be used only for the purposes of the said road, and no longer, unless the person or persons owning the said lands at the time the part of the said road which may be on the said land was finished, or those claiming under him or them, shall apply for an assessment of the value of said land, as hereinbefore directed, within two years after the said part was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within two years next after the said work is finished, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor: *Provided*, Nothing herein contained shall affect the rights of *feme covert*s or infants until two years after the removal of their respective disabilities.

Non-application
for assessment
barred.

Proviso.

Privilege of
company as to
land required.

XVI. That the said company shall in no case be compelled to take, by assessment of Commissioners, sixty-five feet on each side of the centre of said road, but may take any less quantity of land of any owner or owners, as the President and Directors may consider necessary for the purposes of said road, which said quantity the said President and Directors shall designate to the said Commissioners making the assessment and valuation.

Right to cross
public roads.

XVII. That the said President and Directors shall have the right,

when necessary, to conduct the said road across or along any public road: *Provided*, That the said President and Directors shall not obstruct any public road, without constructing another equally as good, and as convenient as may be.

A. D. 1851.

Proviso.

XVIII. That all lands, not heretofore granted to any person, nor appropriated by law to the use of the State, within sixty-five feet of the centre of said road, shall vest in the company, as soon as the line of the said road is definitely laid out through it, and any grant thereafter shall be void.

Unappropriated land to vest in company.

XIX. That if any person or persons shall intrude upon the said road, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of the said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be intruded on the said road, and the same be recovered by suit at law, and the person or persons so intruding may also be indicted for misdemeanor, and, upon conviction, be fined and imprisoned, by any court of competent jurisdiction.

Intrusions upon road.

XX. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully cause or aid, or assist or counsel or advise any other person to destroy, or in any manner to hurt, damage, injure or obstruct said railroad, or any vehicle used for or in transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than twelve months, nor less than one month, and pay a fine not exceeding one thousand dollars, nor less than one hundred dollars, at the discretion of the court before which such conviction shall take place, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending to defend himself by giving in evidence that he was the owner, or the agent, or the servant of the owner of the said land, where such destruction, hurt, damage, injury or obstruction was done or caused, at the time it was done or caused.

Liability for damages.

XXI. That every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such, by any officer, agent, or servant of said company; and the person or persons causing such obstructions may be indicted and punished for erecting a public nuisance.

Abatement of nuisances.

XXII. That it shall be lawful for the said President and Directors to transport, by their officers or agents, or by contractors under them, persons and property on said railroad, and they shall have power to charge for transportation of persons, goods, produce, merchandise, and other articles, and for transportation of the mail, any sum not exceeding the following rates, to wit: On persons, not exceeding ten cents per mile for each person, unless the distance which any person may be conveyed be less than ten miles, in which case the President and Directors may be entitled to make an extra charge of fifty cents, for taking up and putting down each person so conveyed; for the transportation of goods, produce, merchandise, and other articles, not exceeding fifty cents per hundred pounds, on heavy articles, and twenty cents per cubic foot on articles of measurement; and for the transportation of the mail, such sums as they

Transportation of persons, produce, &c.

- A. D. 1851. may agree for with the agent of the United States. The said President and Directors shall have power to take, at the storehouses they may establish, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rules, may establish, which they shall cause to be published, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise, or produce, which may be delivered to them, at their regular depositories, for immediate transportation, and which the company may have the power of transporting immediately.
- Compensation for storage.
- Proviso.
- Certificates of stock. XXIII. That the President and Directors shall cause to be written or printed, certificates of the shares of the stock in said company, and shall deliver one such certificate, signed by the President, and countersigned by the Treasurer, to each stockholder, for the number of shares subscribed by him. The certificate shall be transferable, subject, however, to all payments due, or to become due thereon; and any person acquiring, by purchase or otherwise, any such stock, having first caused the transfer or assignment to be entered in a book of the company, to be kept for that purpose, shall thenceforth become a member of the company aforesaid, and shall be liable to pay all sums due, or to become due, upon the stock assigned to him.
- Certificates transferable.
- Exemptions from militia duty. XXIV. That the following officers and persons, in the actual service of the said company, be, and are hereby, exempted from the performance of jury and ordinary military duty, to wit: The President of the road, the Chief and Assistant Engineers, the Secretaries, Auditors, Accountants, Keepers of the Depositories, Guards stationed at the road, to protect it from injury, (not exceeding one man for every five miles,) and such persons as may be working the locomotive engines, and traveling with cars, for the purpose of attending to the transportation of goods, produce and passengers, on the road, not exceeding one engineer and his assistant to each locomotive engine, and one person to each passenger car, and one to every five freight cars.
- The previous charter—how far binding. XXV. That the charter heretofore granted to the King's Mountain Railroad Company shall continue of force, except in so far as it may be repugnant to the provisions of this Act.
- Act to be given in evidence. XXVI. That this Act shall be regarded as a public Act, and may be given in evidence as such, in all cases, without being specially pleaded.
- Special privilege. XXVII. That this charter shall in nowise be subject to the provisions of the forty-first Section of the Act of the General Assembly of this State, passed on the seventeenth day of December, Anno Domini one thousand eight hundred and forty-one, entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted."
- Subscriptions to stock. XXVIII. That an agreement to take and subscribe stock in said company, evidenced by any note or memorandum in writing, signed by the party to be charged, or by some one for him, her or them,

and stating the number of shares intended to be subscribed for, shall be held and taken to be a good and valid subscription, and may be enforced by action in any Court of law in this State, any law, usage or custom to the contrary notwithstanding.

A. D. 1851.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CHARLESTON FLOATING DRY DOCK AND MARINE RAILWAY COMPANY. No. 4045.

I. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That M. C. Mordecai, John Y. Stock, Joseph Prevost and William B. Heriot, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of the Charleston Floating Dry Dock and Marine Railway Company, for the purpose of docking and taking up ships or vessels; also for according facilities for the unloading and loading of vessels, and the landing, storing and shipping of merchandise and produce, and for the transaction of such business as may be incidentally connected therewith, and may construct, use and employ all docks, railways and other works which may be required in such branches of business.

Enacting clause.

II. The capital stock of the said company shall be one hundred thousand dollars, with the privilege of increasing the same to any sum not exceeding one hundred and twenty-five thousand dollars.

Capital stock.

III. The said company may retain, possess and enjoy all such property, real and personal, as they may now be possessed of, or be entitled to, or which they may hereafter acquire, by purchase or otherwise, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the clear yearly income of the real estate so held, or to be held, shall not at any time exceed the sum of ten thousand dollars.

To hold and dispose of real and personal property.

Proviso.

IV. The said company, by its said corporate name, may sue and be sued, implead and be impleaded, answer and be answered unto, in all the Courts of law and equity in this State, and may have and use a common seal, and make such by-laws for their regulation and government as they shall see fit, with full power to enforce the due observance thereof upon their members: *Provided*, That said by-laws are not inconsistent with the Constitution and laws of the United States and of this State.

Legal privileges.

Rules and by-laws.

Proviso.

V. The affairs of the said company shall be managed and conducted by a Board, consisting of a President and four Directors, who shall be elected annually by the stockholders, from among themselves, on the fourth Tuesday in January in each and every

Of the officers.

- A. D. 1851. year, or as soon thereafter as practicable, and the President and Directors so elected shall continue in office until a new election shall take place. Five days' previous notice of such election shall be given by advertisement in at least two of the gazettes published in the city of Charleston.
- Annual meetings. VI. There shall be an annual meeting of the stockholders held on the fourth Tuesday in January in each and every year, at which the Board of Directors shall submit a statement of the affairs of the company, subscribed and sworn to by the Treasurer.
- Division of the stock into shares. VII. The said capital stock shall be divided into shares of such value as the stockholders shall, by their by-laws, limit and prescribe; but the said company shall not go into operation until the said capital stock, to the amount of at least one hundred thousand dollars, has been paid in in cash, and an oath or affirmation thereof shall have been made and subscribed by the said President, Treasurer, and a majority of the Board of Directors, which shall be lodged and recorded in the Secretary of State's office, and be published in at least two respectable newspapers in the city of Charleston.
- Company to go into operation. VIII. The said capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation, according to such by-laws as may be made by the stockholders in regard thereto.
- Capital stock transferable. IX. No part of the said capital stock shall, at any time, or upon any pretence, be withdrawn by, or divided amongst, the stockholders, until all the debts and liabilities of the said corporation shall have been fully paid off and discharged.
- Debts and liabilities. X. This Act shall be deemed a public Act, and shall continue in force for twenty-one years, and no longer.
- Limit of charter.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4046. AN ACT TO SUSPEND THE ELECTION OF MEMBERS OF CONGRESS FROM THIS STATE UNTIL THE NUMBER OF REPRESENTATIVES TO WHICH THIS STATE SHALL BE ENTITLED, UNDER THE LAST CENSUS, SHALL BE ASCERTAINED.

Enacting clause. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of all Acts or parts of Acts of the General Assembly of this State as direct the elections of members of the House of Representatives of the United States from this State, to be held at the same time as the elections of members of the State Legislature, be, and the same are hereby, suspended; and the Managers of Elections, at the next general election in this State, are hereby directed and required not to open polls for the election of

Representatives in Congress: *Provided, however,* That nothing herein contained shall be construed to prevent the Executive from issuing writs of election for members of Congress to fill vacancies occasioned by death, resignation or other causes, as now provided for by law.

A. D. 1851.

Proviso.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO DIVIDE BEAT COMPANY NUMBER SEVEN, ATTACHED TO THE SEVENTH REGIMENT OF INFANTRY OF SOUTH CAROLINA MILITIA, INTO TWO COMPANIES, AND FOR OTHER PURPOSES.

No. 4047.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Beat Company number seven, attached to the Sixteenth Regiment of South Carolina Militia, be divided into two companies, to be called number seven and number eight; the boundaries of Beat Company number seven to be as follows, to wit: North, by the line dividing the Parish of St. Philip's and St. Michael's from the Parishes of St. James' Goose Creek and St. Andrew's; east by Cooper River; south by a line through the centre of Calhoun street; west by a line through the centre of King street to its junction with Meeting street, thence by a line through the centre of the main road to the north boundary line. The boundaries of Beat Company number eight to be as follows, to wit: North by the line dividing the Parish of St. Philip and St. Michael from the Parish of St. James' Goose Creek and St. Andrew's; east by a line through the centre of King street to its junction with Meeting street, thence by a line through the centre of the main road to the north boundary line; south by a line through the centre of Calhoun street; west by Ashley River. That Beat Company number seven shall be attached to the First Battalion of said Regiment, and Beat Company number eight to the Second Battalion of the same. That each officer of Beat Company number seven now in commission shall retain his rank and command, and that the commanding officer of the said Regiment be authorized to issue orders for an election for commissioned officers of Beat Company number eight, and proceed forthwith to organize such company.

Enacting clause.

Boundaries of Beat No. 7.

Boundaries of Beat No. 8.

To what battalions attached.

Rank of officers.

II. That every person subject to militia duty, removing from one beat to another, in the Sixteenth Regiment of Infantry, South Carolina Militia, shall report himself within thirty days after his removal, to the officer commanding the beat from which he removed, and to the officer commanding the beat to which he has removed, or be

Removals from beats to be reported.

A. D. 1851. fined five dollars, besides being liable for default of duty in the beat from which he has removed.

The duties of the company Clerks relative to census.

III. That each company clerk of the Sixteenth Regiment of Infantry, South Carolina Militia, now authorized to take a census of the number of persons within his beat, liable to the performance of militia duty, shall be, and is hereby, authorized and required to demand the name or names of each and every householder, or person or persons, so resident therein, and to inquire into his or their liability to perform such duty, in his beat; and if any householder, or person or persons, residing in such beat, shall fail or refuse to satisfy the necessary inquiries of said clerk, touching his or their liability to be enrolled as a militia man, such householder, or other resident, shall forfeit and pay the sum of ten dollars, to be sued for and recovered before any one Justice of the Peace or Magistrate, which penalty shall be paid into the hands of the Paymaster of the Sixteenth Regiment.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4048. AN ACT TO INCORPORATE THE WOFFORD COLLEGE.

Enacting clause.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Dr. W. M. Wightman, H. A. C. Walker, Whatcoat A. Gamewell, Charles Betts, James Stacy, Tracey R. Walsh, Henry H. Durant, A. M. Shipp, J. Wofford Tucker, Simpson Bobo, Harvey Wofford, E. C. Leitner and Clough Beard, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of "The Trustees of Wofford College," a seminary of learning, situated in the town of Spartanburg, in the State of South Carolina, and as such, and by the said name of the Trustees of Wofford College, shall be capable and liable, in law and equity, to sue and be sued, to plead and be impleaded, to use a common seal, and to make such by-laws and rules for the regulation and government of said college as they may deem necessary: *Provided*, Said by-laws and rules be not repugnant to the Constitution and laws of this State or of the United States.

Proviso.

Of the officers.

II. That the said Board of Trustees are, and shall be, authorized to appoint such officers as they may think necessary and proper for the organization and government of their own body, and also all the officers, professors, tutors and instructors of and in said college, and to remove the same at pleasure, and to exercise such general control and supervision over the officers, instructors, affairs and government of said college as they may deem advisable.

To confer degrees.

III. That the said Board of Trustees shall have power and au-

thority to confer and award all such distinctions, honors, licenses and degrees as are usually conferred and awarded in colleges and universities of the United States.

A. D. 1851.

IV. That the said Trustees and their successors shall have and hold all the estate, property and funds now belonging to said college, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed and devised or given to said college, in trust, nevertheless, for the use and benefit of said college. And the said Trustees shall make an annual report to the South Carolina Annual Conference of all moneys received and expended by them for the term of the preceding fiscal year.

Trustees to hold real estate, &c.

To make annual return.

V. That the said Trustees shall be appointed or chosen for the term of two years by the "South Carolina Annual Conference," now being part of the Methodist Episcopal Church, South, and until a new election shall be made at the next regular meeting of said Conference, and said Annual Conference shall have power and authority to fill all vacancies in said Board of Trustees which shall occur by death, resignation or otherwise: *Provided*, That the said Board of Trustees may fill any vacancy occurring by death or otherwise, which appointment, so made, shall continue of force until the next regular meeting of said Conference.

Appointment of Trustees.

Vacancies—how filled.

VI. This Act shall be deemed and taken to be a public Act, and continue in force for the term of twenty-one years, and from thence until the adjournment of the next session of the General Assembly thereafter.

Term of the charter.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PUNISH PLACING OBSTRUCTIONS ON RAILROAD TRACKS, AND FOR OTHER PURPOSES. No. 4049.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, if any person or persons shall wilfully and maliciously place, or caused to be placed, on the track or other part of the passage way of any railroads, on which steam engines or hand cars are used, any timber, stone or other obstruction, with intent to injure or impede the passage of any cars, or means of conveyance, such person or persons shall be deemed guilty of felony, and on being thereof convicted, by due course of law, shall be sentenced as follows: Should such obstruction cause any hurt, maim, or serious personal injury, to any human being, not causing death within a year and a day, the offender shall be sentenced to such fine and imprisonment as the Court may impose, and shall be adjudged a felon; and should the death

Enacting clause.

A. D. 1851.

~~~~~  
 Proviso.

of any human being result from said impediment within a year and a day, the offender shall be adjudged guilty of felony, and shall suffer death, without benefit of Clergy: *Provided*, That nothing herein shall in any manner take away any right of action for damages for injuries, to the person or property of any person or body corporate, caused by any injury, obstruction, or damage, done to any railroad or its buildings, tracks or constructions.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

No. 4050. AN ACT TO INCORPORATE THE FLORIDA STEAM PACKET COMPANY.

Enacting  
 clause.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John W. Caldwell, and all those persons who now are or hereafter may be members of The Florida Steam Packet Company, be, and the same are hereby declared, a body politic and corporate, under the name and style of "The Florida Steam Packet Company," and by that title shall have power to take, subscribe and raise a capital stock to the amount of thirty-five thousand dollars, with power, also, to increase the said capital to the further sum of thirty-five thousand dollars: *Provided*, That such increase be assented to by a majority in number of the stockholders, who shall be notified, in two of the public papers of the city of Charleston, of a meeting to be held for that purpose.

Style and title.

Capital.

Proviso.

Of the offi-  
 cers, by-laws,  
 &c.

II. That the said The Florida Steam Packet Company shall be able and capable, by its corporate name, to sue and be sued, implead and be impleaded, to answer and be answered unto, in any court of law or equity in this State, to have succession of officers and members, and shall have power to make by-laws, not repugnant to the laws of the land, for the good order and government of its members, as shall be deemed expedient by a majority of its stockholders, and to have a common seal, and to alter and make new the same.

Term of char-  
 ter.

III. That this Act shall remain and continue of force for the term of twenty-one years, and from thence until the expiration of the next session of the Legislature, and no longer.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AFFORD AID IN CONSTRUCTING THE KING'S MOUNTAIN RAILROAD.

A. D. 1851.  
 No. 4051.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General is hereby authorized to subscribe the sum of fifty thousand dollars to the capital stock of the King's Mountain Railroad Company, to be paid in the stock held by the State in the South Carolina Railroad Company, equal, at its par value, to the said sum; and that he take, in the name of the State, a certificate from the said company, for that amount of stock, which said stock shall be accepted by the said King's Mountain Railroad Company, for the said amount, without any recourse whatever against the State.

Comptroller General to subscribe to stock, &c.

II. The subscription shall be paid in the manner hereinafter mentioned, and shall be subject to the terms and conditions hereinafter expressed.

Subscriptions, how paid.

III. Whenever satisfactory proof shall be produced to the Comptroller General that the sum of one hundred and fifty thousand dollars shall have been subscribed by stockholders, other than the State, and that the sum of twenty-five thousand dollars shall have been paid in by the stockholders and expended in the construction of the said road, the Comptroller General shall transfer and deliver to said company so much of the stock of the State in the South Carolina Railroad Company as shall amount, at its par value, to twenty-five thousand dollars; and whenever similar proofs shall be produced to the Comptroller General that twelve thousand five hundred dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver twelve thousand five hundred dollars more of the said stock; and in the same manner the remaining subscription of twelve thousand five hundred dollars shall be paid to the said company when the road shall be finished to Yorkville, and be in operation.

IV. The State shall in no way whatever be liable for the debts and contracts of the said King's Mountain Railroad Company.

State not liable for debts, &c.

V. The State shall have the same rights in the company, and in its management, as is reserved to private stockholders, and the General Assembly shall, at any time, have a right to examine into the condition of the company, and the company shall annually submit to the Legislature a report exhibiting its condition and prospects.

Rights and privileges of the State.

VI. In case any of the payments made by the State shall be in advance of the calls upon the private stockholders, the State shall have a lien upon the whole property of the company to secure the same unto the State.

State to have lien upon property in a certain case.

VII. An irrevocable condition is hereby imposed on said company, that it shall so locate its road as to form a junction with the Charlotte and Columbia Railroad at Chesterville.

Irrevocable condition.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1851.  
 No. 4052.

AN ACT TO ALTER THE TIMES FOR HOLDING THE COURTS OF GENERAL SESSIONS AND COMMON PLEAS FOR THE DISTRICTS OF BARNWELL, BEAUFORT, COLLETON, CHARLESTON AND ORANGEBURG.

Enacting clause.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the several Courts of Common Pleas and General Sessions for the following Districts, viz: Barnwell, Beaufort, Colleton and Orangeburg, shall hereafter be held at the times and places, and for the terms following, that is to say: At Barnwell Court, for the District of Barnwell, on the third Monday in March and October in each year; at Gillisonville, for the District of Beaufort, on the first Monday after the fourth Monday in March and October in each year; at Walterboro', for the District of Colleton, on the second Monday after the fourth Monday in March and October in each year; and at Orangeburg Court House, for the District of Orangeburg, on the third Monday after the fourth Monday in March and October in each year; to sit in the District of Barnwell for two weeks, and in each other of the said Districts for one week at each and every term.

The country Courts, when to be held.

Time of sitting.

Charleston District Courts—when held, and time of sitting.

II. That hereafter the Courts of Common Pleas and General Sessions for the District of Charleston shall be held on the second Monday in March in every year, to sit for six weeks.

Processes and writs returnable.

III. That all writs and processes which shall have been made returnable to the court of any of the said Districts according to the laws now of force, shall be legal and valid to all intents and purposes for the courts next to be held for the said Districts respectively, according to the provisions of this Act; and all persons already summoned, or who may hereafter be summoned, to attend the courts of any of the said Districts, as jurors or witnesses, or who are now, or shall hereafter be bound in recognizance to appear at any of the said courts according to the laws now of force, shall be, and are hereby, required to attend or appear at the courts of the said Districts respectively, next to be held, according to the provisions of this Act.

Jurors and witnesses.

Duties of presiding Judge in regard to jurors for Barnwell Court.

IV. That the presiding Judge at the said court at Barnwell, next to be held, according to the provisions of this Act, be, and he is hereby, authorized and required, on the first day of said term, to cause to be drawn, in the manner prescribed by law, the names of forty-eight persons, to serve as Petit and Common Pleas Jurors, for the second week of the said term; and the said Petit and Common Pleas Jurors shall be summoned and impannelled in like manner, and be subject to like penalties for non-attendance as Petit and Common Pleas Jurors now are.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF ABBEVILLE.

A. D. 1851.  
 No. 4053.

Charter amended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following provisions become parts of the charter of the village of Abbeville, and that the Act incorporating the said village, and all other laws repugnant thereto, be altered in conformity therewith, to wit: First. The limits of their incorporation may be extended by the Town Council of Abbeville, according to lines which they shall designate before the first Monday of September next: *Provided*, That no point, within the limits to be designated, shall be more than two miles, or less than three-fourths of a mile, from the court house in the said village, and that no place whatever, within the present limits, shall be excluded from those to be designated.

Proviso.

II. The said Town Council shall have full power, before the first Monday of September next, to lay off within the limits to be designated, as aforesaid, all the streets, alleys, lanes and roads, which to them may seem needful for the public convenience: *Provided*, That without the consent of the owner, no house, nor any ground enclosed and used for a yard, or a garden, shall be interfered with; and that only corners and edges of the jail lot shall be thrown into a street, and that not without the consent of the Commissioners of Public Buildings for Abbeville District. The streets, alleys, lanes and roads, which may be so laid off, the said Council shall have power at any time, and all times afterwards, to open, improve, construct and repair at pleasure, not being bound to open any particular one that may have been laid off, until they shall deem the opening thereof useful.

Town Council to lay off streets, &c.

Proviso.

The Council to open and improve streets.

III. A plan of the said village, made after accurate survey, and showing the lines designated for the limits, and all the streets, alleys, lanes and roads that may have been laid off, as aforesaid, shall be kept by the said Council, and a copy thereof be left and recorded in the office of the Register of Mesne Conveyance for Abbeville District; and any street, alley, lane or road now existing within the said limits, which, by the said plan may not appear to have been laid off as aforesaid, may be discontinued and shut up by the permission of the said Council.

Further duties of Council.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1851.

## AN ACT TO INCORPORATE THE "CALHOUN LOAN AND BUILDING ASSOCIATION."

No. 4054.

Enacting  
clause.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William M. Martin, A. C. Smith, Sanders L. Glover, L. T. Potter, William Leiby and William E. Martin, together with other persons, who now are, or hereafter may be associated with them, be, and they are hereby, declared a body politic and corporate, for the purpose of making loans of money, secured by mortgages of real estate and personal property, to their members and stockholders, by the name and style of "The Calhoun Loan and Building Association," the capital stock of which shall consist of one thousand five hundred shares, to be paid in by successive monthly instalments of one dollar on each share so long as the corporation shall continue, the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures, for defaults in their payments, according to such regulations as may be prescribed by the laws of said corporation.

Title.

Capital stock  
—how paid in,  
&c.

Officers.

Powers and  
privileges.

II. That the said corporation shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made, or to be made by them, for their government, and shall have power and authority to make any such rules and by-laws as are not repugnant to the Constitution and laws of the land; shall have and keep a common seal, and alter the same at will; shall sue and be sued, plead and be impleaded, in any court of law or equity in this State, and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies according to the laws of the land.

Funds—how  
loaned.Power to hold  
property as security.

III. That the funds of said corporation shall be loaned and advanced to the members and stockholders upon the security of real and personal estate, in such mode, on such terms, and under such conditions, and subject to such regulations as may from time to time be prescribed by the by-laws of said corporation; and that it shall and may be lawful for the said corporation to hold such lands, tenements and hereditaments, and personal property as shall have been *bona fide* mortgaged or conveyed to it, by way of security, upon its loans or advances, and purchase at sales thereof, made according to law, upon judgments or decrees, at law or equity, for the recovery of their debts; and to sell, alien or otherwise dispose of the same, as they from time to time may deem expedient.

Funds—ad-  
ditional provi-  
sion.

IV. That whenever it should so occur that the funds of the said corporation shall remain unproductive and uncalled for, for the space of two months, the corporation shall and may loan what may be on hand, to others than stockholders and members, if it be safely invested, and repaid within one year, at the rate of seven per cent.

Limitation of  
charter.

V. That whenever the funds of the said corporation shall have accumulated to such an amount that, upon a fair and just division thereof, each stockholder and member shall have received, or be entitled to receive, the sum of two hundred dollars, or property of that value, for each and every share of stock by him or her so held, and such distribution and division of the funds shall have been so



made, then this corporation shall cease and determine; and that this Act shall be taken and deemed a public Act, so held, and judicially taken notice of as such, and that the same may be given in evidence without special pleading.

A. D. 1851.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PERMIT CUNNINGHAM H. S. McCLENAGHAN AND GEORGE HOPKINSON, ALIENS, TO APPLY FOR ADMISSION TO PRACTICE IN THE COURTS OF LAW AND EQUITY IN THIS STATE. No. 4055.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it may be lawful for Cunningham H. S. McClenaghan and George Hopkinson, who have signified their intention to become citizens of the United States, to be admitted to practice in the Courts of law and equity of this State, on the same conditions as are required of other applicants: *Provided*, That they shall have first taken the oath of allegiance to this State: *And provided*, That they become denizens under the Act of this State before being admitted to practice.

Enacting clause.

Proviso.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CHARTER THE PENDLETON RAILROAD COMPANY. No. 4056.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized, for the construction of a railroad from Pendleton village, on the most practicable route, to such point on the Greenville and Columbia Railroad as may be agreed on between the company hereby incorporated and the Greenville and Columbia Railroad Company.

Enacting clause.

II. That the stock of the company hereby authorized shall consist of five thousand shares, of twenty dollars each, but the said

Capital stock.

A. D. 1851.

Investment of capital.

company shall be at liberty to enlarge their said capital to the amount of seven thousand five hundred shares, of twenty dollars each, as, in the progress of their undertaking, they shall find necessary, either by additional assessment on the original shares, not to exceed, on the whole, the sum of ten dollars each, the terms and conditions of which new subscriptions the company is authorized to prescribe; and it shall be lawful for the said company, from time to time, to vest so much of their capital, or of their profits, as may not be required for immediate use, and until it may be required, in public stocks of any bank or other incorporated body, and to draw and apply the dividends, and to sell or transfer, as they shall see fit, any portion of the stock.

Subscription books—where opened.

III. That the books for subscription of the stock of the said company, hereby authorized, shall be opened at Pendleton village, Pickens Court House and West Union, by three Commissioners at each place, to wit: J. V. Shanklin, R. A. Maxwell and John T. Sloan, at Pendleton village; W. D. Steele, James A. Doyle and William L. Keith, at Pickens Court House; W. S. Grisham, John C. Neville and Jacob Schroder, at West Union; and the books shall be opened at each of the said places on the same day, to wit: the first Monday in January next, and be kept open until the second Monday in April next, between the hours of 9 o'clock A. M. and 3 o'clock P. M. during the said time, notice whereof shall be given by each set of Commissioners, of the times and places of subscribing, either by advertising in a gazette, or such other manner as they may deem best, for at least ten days previous to the opening of the said books. Upon the books being opened individuals may subscribe for as many shares as they see proper, paying to the Commissioners, at the time of subscription, one dollar on each share subscribed for, and the Commissioners shall designate opposite the names of the subscribers the day of subscription, the number of shares subscribed, and the sums of money paid respectively, and for the sums so paid the Commissioners shall give receipts to the individuals paying, and as soon as may be, deposit the money in the Bank of the State of South Carolina, or some of its branches, subject to so much thereof as may be refunded to the subscribers upon adjustment, made in case of over-subscription, to the joint check of said Commissioners, and subject, for the balance, to the check or order of said company, through its President and Directors.

Commissioners to give notice of opening of books.

Subscription money to be deposited, &amp;c.

Further duties of Commissioners.

IV. That when the books shall be closed on the last day the Commissioners at each of the places designated respectively, as aforesaid, shall transmit to the Commissioners at Pendleton village a list of the subscribers, with such designations as are contained in the subscription books, with a certificate appended thereto, to be signed by each of the Commissioners, stating the amount of stock taken by each subscriber, and thereupon the Commissioners at Pendleton village, from all the subscribers, shall prepare a general list, and ascertain whether the shares subscribed are equal to the capital prescribed for the company. If the number of shares shall exceed five thousand, the Commissioners at Pendleton village shall reduce the shares rateably to that number, except that no subscription of five shares or under shall be reduced. If the number of shares shall be less than five thousand, the Commissioners at Pendleton

Reduction of over subscription.

may keep the books open in that place until the number of five thousand shares shall be subscribed. If the number of two thousand five hundred shares shall be subscribed the said company may thereupon be formed, and, when formed and organized, may cause the books to be opened by the Directors, after sixty days' notice of the time and place of subscription, and receive such subscriptions as can be obtained, and may keep open the books until the whole amount of five thousand shares shall be subscribed. And all the powers vested by the charter of the Greenville and Columbia Railroad Company, upon the Commissioners at Greenville, shall be vested in the Commissioners of this company at Pendleton village, for the purpose of organizing and forming this company. And all the powers, rights and privileges granted by the charter of the Greenville and Columbia Railroad Company, to that company, shall be, and are hereby, granted to the Pendleton Railroad Company, subject to all the conditions therein contained, except as to the time of commencing the work, and where said road shall terminate, which shall be as follows, to wit: The said work shall be commenced within two years after the said Greenville and Columbia Railroad shall have been built to such point as may be selected by said company for the said road to Pendleton village to diverge, and that the road to Pendleton be completed within five years thereafter; but that the stock in said company shall be subscribed unconditionally.

V. That the said company may unite with and become a part of the said Greenville and Columbia Railroad Company, if the two companies shall agree upon the terms of amalgamation, and all the privileges granted by this Act shall, in that event, be assigned to and become privileges of the said Greenville and Columbia Railroad Company.

VI. That any company or companies which may be hereafter chartered for the purpose, shall have the right to construct a railroad or railroads to unite with the railroad by this charter authorized to be constructed, upon fair and equitable terms, to be fixed by arbitration, in case the companies interested shall not agree in the matter.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1851.

Provision to keep the books open.

Condition for organizing the company.

Powers vested in Commissioners.

The powers granted company.

Commencement and completion of road.

Power granted to unite the companies.

Right reserved to connect branches.

AN ACT TO ALTER AND AMEND THE ELEVENTH SECTION OF AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN SOCIETIES AND COMPANIES, AND TO REVIVE AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED," PASSED ON THE TWENTIETH DAY OF DECEMBER, 1850.

No. 4057.

*Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That the

A. D. 1851.

Sec. of Act  
amended alter-  
ing first pay-  
ment on shares.

Eleventh Section of an Act, passed on the twentieth day of December, eighteen hundred and fifty, entitled "An Act to incorporate certain societies and companies, and to revive and amend certain charters heretofore granted," be so altered and amended that the Commissioners appointed to open the books for subscription for plank roads shall receive one dollar on each share of stock of said companies, as the first payment thereof, at the time of subscription, instead of five dollars, as required by the said Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

No. 4058. AN ACT TO FIX THE TIME FOR THE MEETING OF THE CONVENTION, ELECTED UNDER THE AUTHORITY OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF DEPUTIES TO A SOUTHERN CONGRESS, AND TO CALL A CONVENTION OF THE PEOPLE OF THIS STATE," PASSED IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY.

Meeting of  
Convention.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth Monday in April next be, and the same is hereby, fixed as the time for the assembling of the Convention of the people of this State, provided for and elected under the authority of an Act entitled "An Act to provide for the appointment of deputies to a Southern Congress, and to call a Convention of the people of this State," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

No. 4059. AN ACT TO ABOLISH BRIGADE ENCAMPMENTS.

Laws repealed.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the militia laws of this State be altered and amended so that all Sections and clauses of each and every Act

of the General Assembly, relating to brigade encampments, and all Acts heretofore passed, respecting brigade encampments, be, and the same are hereby, repealed.

A. D. 1851.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE "THE CHARLESTON BUILDING AND LOAN ASSOCIATION." No. 4060.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John H. Honour, W. H. Gilliland, Henry Cobia, George H. Walter, George S. Hacker, John Kingman and Thomas Y. Simons, Junior, together with such other persons who now are, or hereafter may be, associated with them, be, and they are hereby, declared a body politic and corporate, for the purpose of making loans of money secured by mortgages of real estate to their members and stockholders, by the name and style of "The Charleston Building and Loan Association," the capital stock of which shall consist of two thousand shares, to be paid in by successive monthly instalments of one dollar on each share, so long as the corporation shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments, according to such regulations as may be prescribed by the by-laws of said corporation.

Enacting clause.

Title.  
 Capital stock—how paid in, &c.

II. That the said corporation shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made, or to be made by them, for their government, and shall have power and authority to make any such rules and by-laws as are not repugnant to the Constitution and laws of the land; shall have and keep a common seal, and alter the same at will; shall sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

Officers.

The power to make by-laws, &c.

III. That the funds of said corporation shall be loaned and advanced to their members and stockholders upon the security of real estate, in such mode, on such terms, and under such conditions, and subject to such regulations as may, from time to time, be prescribed by the by-laws of said corporation, and that it shall and may be lawful for the said corporation to hold such lands tenements and hereditaments as shall have been *bona fide* mortgaged or conveyed to it by way of security upon its loans or advances, and purchase at sales thereof, made according to law, upon judgments or decrees at law or equity, for the recovery of their debts; and to sell, alien

Funds—how loaned.

Power to hold and dispose of property.

A. D. 1851.

The power to  
loan unproduc-  
tive funds.

Limitation  
of charter.

or otherwise dispose of the same, as they from time to time may deem expedient.

IV. That whenever it should so occur that the funds of the corporation shall remain unproductive and uncalled for for the space of two months, the corporation shall and may loan what may be on hand to others than stockholders and members, if it be safely invested, and repaid within one year, at the rate of seven per cent.

V. That whenever the funds of the said corporation shall have accumulated to such an amount that, upon a fair and just division thereof, each stockholder and member shall have received, or be entitled to receive, the sum of two hundred dollars or property of that value, for each and every share of stock by him or her so held, and such distribution and division of the funds shall have been so made, then this corporation shall cease and determine; and that this Act shall be deemed a public Act, so held and judicially taken notice of as such, and that the same may be given in evidence without special pleading.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

No. 4061. AN ACT TO EMPOWER THE TOWN COUNCIL OF THE TOWN OF CHERAW TO SELL OR OTHERWISE DISPOSE OF CERTAIN STREETS, AND PARTS OF STREETS, IN SAID TOWN.

Enacting  
clause.

Streets dis-  
continued.

Town Coun-  
cil to dispose  
of streets dis-  
continued.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Town Council of the town of Cheraw be authorized and empowered, and they are hereby authorized and empowered, to discontinue, as public streets, and parts of streets, all those streets and parts of streets lying within, and running through, that part of the said town of Cheraw, which is bounded toward the north by the town line; toward the west, by Washington street; toward the southeast, by Church street; and toward the east, by the river Pee Dee; which streets and parts of streets hereby authorized to be discontinued, are: the whole of Pinckney street; the whole of Laurens street; the whole of Franklin street; that part of New street lying between Washington and Pinckney streets; that part of Kershaw street continued, lying between Washington and Franklin streets; that part of Market street continued, lying between Washington street and the river Pee Dee; and that part of Water street lying between Church street and the line which bounds the said town toward the north.

II. That the said Town Council of the Town of Cheraw are hereby authorized and empowered to sell and convey, or otherwise

dispose of the said streets and parts of streets hereinbefore authorized to be discontinued.

A. D. 1851.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES AND COMPANIES,  
 AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE  
 GRANTED.

No. 4062.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or hereafter may become, members of the following societies, companies and associations, to wit: The Irish Mutual Benevolent Society, of Charleston, Egeria Lodge, No. 71, Ancient Free Masons, the Georgetown Ice House Company, the Trustees of Pageville Academy, the Bluffton Wharf Company, Presbyterian Church of Williamsburg, Four Holes Baptist Church, in Orangeburg District, Moriah Baptist Church, in Sumter District, the Vestry and Wardens of the Church of the Holy Apostles, at Barnwell, Walnut Grove Baptist Church, in Abbeville District, Bethlehem Church, in the town of Anderson, Trinity Church, Edgefield, Magnolia Lodge, No. 21, Independent Order of Odd Fellows, at Marion Court House, Mountain Lodge, No. 15, Independent Order of Odd Fellows, in Greenville District, and the Pendleton Hotel Company, the Palmetto Guard, the Little River Baptist Church, of Abbeville District, and the Hospital for Colored People, Charleston, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each above respectively assigned.

Religious and other societies incorporated.

II. The societies, companies and associations aforesaid shall have succession of officers and members, according to their respective by-laws, and shall have power, respectively, to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any court in this State, and to have and enjoy every right incident to incorporations. They are hereby respectively empowered to retain, possess and enjoy all such property, real and personal, as they may severally possess or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them, and to sell, alien, or transfer the same: *Provided*, The amount so held shall in no case exceed the sum of twenty thousand dollars; and the Bluffton Wharf Company are hereby empowered to charge such moderate wharfage as will enable them to keep their wharf in good repair.

Officers.

By-laws.

Right to hold and dispose of property.

Proviso.

III. That all free white persons having resided six months in the

A. D. 1851.  
Frog Level  
incorporated.

Of the In-  
tendant and  
Wardens.

Their powers.

Limitation of  
charters.

The town of  
Newberry—the  
charter extend-  
ed.

Taxes.

Proviso.

Taxes—fur-  
ther provision  
relative there-  
to.

Town Coun-  
cil to make an-  
nual return.

The town of  
Barnwell—the  
charter  
amended.

Town of Mt.  
Pleasant—lin-  
its extended.

village of Frog Level, in Newberry District, are hereby declared to be a body politic and corporate, by the name and style of "Frog Level," and its corporate limits shall extend a half mile in each and every direction from the railroad depot, now standing in said village.

IV. The said village shall be governed by an Intendant and four Wardens, who shall be elected on the second Monday in January in every year; the qualifications of voters to be the same, and the election conducted in a similar manner, as are prescribed by an Act incorporating the village of Newberry, passed on the seventeenth day of December, eighteen hundred and forty-one; and the said Intendant and Wardens are hereby invested with the power and jurisdiction of Magistrates, and with the power to regulate and keep up patrol within the limits of the said corporation.

V. That the several charters herein granted shall continue in force for the term of fourteen years.

VI. That the Act incorporating the Town of Newberry, together with the amendments thereto, be, and the same are hereby, extended for fourteen years, with all the rights, powers and privileges heretofore granted, subject to the following amendments, limitations and restrictions, to wit: That in any one year, no tax on the lots, lands and buildings within the said corporate limits, shall exceed twenty cents *ad valorem* on every hundred dollars of the value thereof, and that the tax on all other property, free persons of color, employments, faculties and professions, in any one year, shall not exceed fifty per cent on the State tax levied for the year preceding: *Provided*, That no lands or negroes employed exclusively for agricultural purposes shall be subject to taxation.

VII. That the Town Council of Newberry shall have power to levy and collect a tax on all pleasure carriages, barouches, omnibuses, drays, carts and wagons used for hire or public employment, within the said corporate limits: *Provided*, That in any one year, no tax on any carriage, barouche, omnibus, dray, cart or wagon shall exceed two dollars; and the said Town Council are hereby required to make annual returns of their receipts and expenditures to the Court of Common Pleas and General Sessions, at the Fall Term of each year, in the same manner, and under the same penalties, as the several Boards of Commissioners of Public Buildings, Roads, and the Poor, are now required by law to do.

VIII. That the charter of the Town of Barnwell, in Barnwell District, in this State, be so amended as to permit and authorize the Town Council of Barnwell, and the same is hereby permitted and authorized, to assess and levy an annual tax on each resident tax-payer of said town, and also on all non-resident tax-payers, owning property in said town, by laying a per centage upon the general State tax, as now or hereafter fixed by law: *Provided*, That not more than three hundred dollars per annum be assessed and levied; and the said Town Council is hereby authorized to appoint a tax gatherer to collect the tax imposed by them, under the authority of this Act.

IX. That the corporate limits of the Town of Mount Pleasant be, and the same is hereby, extended, by continuing the eastern line of Whilden street, northwardly, to the bank on which the fence of William Lucas now stands, and thence to take the line of the said



bank until Shem Creek is reached, from which point the said creek and the waters of Charleston harbor to be the boundary.

A. D. 1851.

X. That the several Acts heretofore passed incorporating "The Roman Catholic Cathedral of St. Finbars," "The Trustees of the Roman Catholic Church of South Carolina," and "The Roman Catholic Church of St. Mary's, Charleston," the "Charleston Light Dragoons," and the "Presbyterian Church in Sumterville," be, and the same are hereby, renewed and declared of force for the term of fourteen years.

Religious and military bodies—charters renewed.

XI. That the name of a company heretofore incorporated by the name of the Fire Company of Charleston Neck, be changed, and hereafter the said company be known and called by the name and style of the "Eagle Fire Engine Company, of Charleston, South Carolina;" and that the name of the village of Clinton, heretofore incorporated by the name and style of Clinton, be changed, and hereafter the said village be known and called by the name and style of Blackville; and the said Fire Engine Company, and the said village of Blackville, are hereby invested with the powers and privileges, and subject to the restrictions contained in their respective charters heretofore granted.

The name of fire company of Charleston Neck changed.

The name of Clinton, Barnwell District, changed.

XII. That the name of a Theological Seminary, heretofore incorporated by the name of the Board of Directors of the Theological Seminary of the Evangelical Lutheran Church of South Carolina, be changed, and the said religious association shall hereafter be known and called by the name and style of "the Classical and Theological Seminary of the Evangelical Lutheran Synod of South Carolina and adjacent States;" and this Act to continue in force for the term of fourteen years; and the said religious association is hereby invested with all the rights, powers and privileges heretofore granted by the Act incorporating the first company. And they are further authorized and empowered to hold property, real and personal, to an amount not exceeding fifty thousand dollars.

Name of Lutheran Seminary changed.

XIII. That all free white persons who now are, or may become, members of the following religious societies and associations, viz: "The Euhaw Baptist Church," St. Luke's Parish, St. Peter's Lutheran Church," near Leesville, Lexington District, be, and the same are hereby declared to be, bodies politic and corporate, by the name and style to each above respectively assigned, with all the rights, powers and privileges as are provided for similar societies in the second Section of this Act.

Religious associations incorporated.

XIV. That Dr. Jno. S. Reed, M. O. Tolman, T. Foster Marshall, James Taggart, William H. Parker, M. O. McCaslan, James McCaslan, Thomas Thomson, Robert Brady, Charles T. Haskell, Thomas Dowton, H. Derricoat, D. M. Rogers, W. K. Bradley, W. H. Parker, J. E. Foster, Stephen Lee and B. McKittrick, and their successors, officers and members, are hereby declared a body politic and corporate, for educational purposes, under the style and title of the "Abbeville Clear Spring Association," with all the rights and privileges as are provided for in the second Section of this Act.

Educational association incorporated.

XV. That the charter of the Greenville Male and Female Academies be, and the same is hereby, renewed and extended for the term of fourteen years, with the right to hold property to the amount of

Charter of the Greenville Male and Female Academies renewed and extended.

A. D. 1851.

twenty-five thousand dollars. And that the last Trustees of the said Academies be, and the same are hereby, re-appointed with the right of filling vacancies in their body.

Newberry  
Steam Mills  
Company in-  
corporated.

XVI. That Samuel Reed, R. B. Holman, James J. Sloan, William W. McMorris, J. Galloway, J. P. Kinard, Simeon Fair and William H. Harrington, together with such other persons who now are, or hereafter may be, associated with them, be, and they are hereby, declared a body corporate and politic, by the name and style of the "Newberry Steam Mills Company," the capital stock of which shall consist of one hundred shares of one hundred dollars each, with the privilege of increasing the number of shares to two hundred, the said shares to be paid in, held, transferred, assigned and pledged in such manner as the regulations and by-laws of the said corporation may prescribe.

Officers and  
members.

XVII. That the said Company shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made or to be made by them, for their government, and shall have power and authority to make any such rules and by-laws as are not repugnant to the Constitution and laws of this State; shall have and keep a common seal, and break and alter the same at will; shall sue and be sued, plead and be impleaded, in any court of law or equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies: *Provided*, The amount of property, real and personal, to be held by said corporation, shall not exceed fifty thousand dollars.

Legal privi-  
leges.

Proviso.

The town of  
Laurensville—  
the charter ex-  
tended.

XVIII. That the Act incorporating the town of Laurensville be, and the same is hereby, extended for one year, with all the rights and privileges heretofore granted.

Charleston  
Plank Road  
Company in-  
corporated.

XIX. That William Gregg, John F. Poppenheim and John Wilson, and their associates and successors, are hereby made and created a body politic and corporate in law by the name of the "Charleston Plank Road Company," for the purpose of constructing timber, plank, or hard roads on the State road, or along its line from Charleston to the vicinity of the boundary of Charleston District, with the privilege of branching and extending the road to Sumter, Columbia, or Abbeville, or so far in the said directions as the company may determine on. The said company shall have all the powers and privileges, and be subject to all the restrictions, liabilities and other provisions contained in the eleventh Section of an Act entitled "An Act to incorporate certain societies and companies, and to revive and amend certain charters heretofore granted," and passed the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, except in such particulars as are hereinafter specially provided for. The said William Gregg, John F. Poppenheim and John Wilson shall have power to raise by subscription, in shares of one hundred dollars each, a capital of sixty thousand dollars, and for that purpose shall open books and take subscriptions for the capital stock of said company at such time and in such manner as they may deem expedient: *Provided*, That public notice of the time and place of opening said books be given by advertisement in one of the daily papers of the city of Charleston for the space of four weeks. Whenever such subscrip-

Powers and  
privileges.

Capital stock.

Opening of  
books.

Public notice  
thereof to be  
given.

tions shall amount to thirty thousand dollars, the stockholders having had two weeks' notice in writing, or in the public newspapers of the city of Charleston, may meet and proceed to elect a Board of Direction. In case of an over subscription, then it shall be the duty of the persons above named for opening books to reduce the subscriptions rateably among the subscribers. The said company shall have six years to construct and complete said road, and as soon as three consecutive miles of said road shall have been completed, it shall be lawful for the company to erect turnpike or toll gates thereon, and to appoint toll gatherers to collect toll. Toll gates shall thereafter be put up at such points as the company may select, and the rates of toll shall always be put up at such toll gates: *Provided, however,* The rates and tolls do not exceed the amounts which have been agreed upon between the Commissioners of Roads for the Parish of St. James, Goose Creek, and William Gregg, if he should construct a plank road on the surface of the present State Road, and which are as follows, to wit: For a wagon drawn by four horses or mules, four cents per mile; for a wagon drawn by three horses or mules, three cents per mile; for the same drawn by two horses or mules, two cents per mile, and for the same drawn by one horse or mule, one cent. per mile. For pleasure carriages, not exceeding fifty per cent. above the aforesaid rates. For a man on horse or mule, one cent. per mile; for led or driven horses or mules, one cent. per mile. For swine, sheep and neat cattle, for each drove of twenty or less in number, two cents per mile, and if over twenty in number, for each drove of twenty or fraction of a drove, two cents per mile. But if the said road be constructed in whole or in part over lands which are not public highways, then for so much of said road as may be so constructed it shall be lawful for the company to increase their toll to any rate not more than twenty-five per cent. more than the above scale. This charter shall continue for the term of thirty years, but shall not attach or the corporation go into operation until thirty thousand dollars of capital stock shall be paid in gold or silver, or the current bank notes of this State, and affirmation shall be made by the President, Treasurer and a majority of the Directors, which shall be recorded in the Secretary of State's office in Charleston.

XX. That the eleventh Section of an Act entitled "An Act to incorporate certain Societies and Companies, and to revive and amend certain charters heretofore granted," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be so altered and amended as to authorize the Commissioners who shall open books for subscriptions to the capital stock of companies for the construction of plank roads to receive one dollar on each share instead of five as is now provided for by said Section.

XXI. That William D. Henry, Samuel McAliley, W. Hiram, C. Brawly, Richard E. Kennedy, and their associates, as stockholders in the Chesterville Female Academy Society, be, and the same are hereby, incorporated and declared a body politic by the name of the Chesterville Female Academy Society, and that said society have a right to hold real and personal property to the amount of

A. D. 1851.

Election of  
Directors.Reduction of  
over subscrip-  
tion.Time allowed  
to complete the  
road.Toll—rates  
of.Term of the  
charter.The charter  
—when to at-  
tach.Sec. of Act  
amended.Society in-  
corporated in  
Chesterville.

A. D. 1851.

ten thousand dollars, and that said society be entitled to all the rights and privileges in the second Section of this Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

No. 4063. AN ACT TO PROVIDE FOR THE GRANT OF RECIPROCAL PRIVILEGES TO CITIZENS OF SOUTH CAROLINA AND OF GEORGIA, IN RELATION TO THE BUILDING OF BRIDGES OVER THE SAVANNAH RIVER.

Preamble. Whereas it is highly important to the interest of the citizens of South Carolina and Georgia that some common system of providing for bridges and ferries over the Savannah River, and the passage of the same, should be adopted by the two States, and that no obstacle should result from the want of concert in their legislation on this subject :

Reciprocal  
privileges to be  
granted.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any charter or franchise granted, or to be granted, by the State of Georgia for the purpose of building and establishing bridges or ferries over the Savannah River, shall have full effect within the limits and jurisdiction of the State of South Carolina, notwithstanding the rights of the said State, to the same extent in all respects as if such charter or franchise had been granted by the State of South Carolina: *Provided*, That before this Act shall go into operation, the State of Georgia do, by law, provide that equal effect be given in the State of Georgia to charters and franchises granted by this State; and that after this Act shall go into operation, the legal validity and effect of a charter granted by either of the said States for the purposes aforesaid shall be subject to this limitation and restriction: that no such charter from either State shall prevent the other State from granting a charter for a bridge or ferry over the Savannah River at any place, however near the place where a bridge or ferry is or may be established under a charter from the other State: *And provided, also*, That nothing herein contained shall be taken or held to abrogate or impair the vested rights of any person or persons whomsoever, so far as such rights may be valid in law.

Further pro-  
viso.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN AND TO CERTAIN ESCHEATED PROPERTY IN CERTAIN PERSONS THEREIN MENTIONED.

A. D. 1851.  
 No. 4064.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to a certain house and lot in Henrietta street, in the city of Charleston, described in a deed from Ephraim Wilson to O. M. Smith, in trust, and recorded in the office of the Secretary of State, at Charleston, in Miscellaneous Record Book, R. R. R. R., pages 186 and 187, be, and the same are hereby, vested in the said Ephraim Wilson, and his heirs, forever.

Title vested  
 in Ephraim  
 Wilson.

II. That all the right, title and interest of the State in and to the estate of John Parker, of St. George's, Dorchester, be vested in William Pendarvis, and his brothers and sisters, share and share alike: *Provided*, That the administrator of the said John Parker do first pay over to the escheator of Colleton District all such fees, costs and charges as the said escheator has legally, or may legally incur in relation to the estate of the said John Parker; and that he, the said administrator, and the said escheator, shall receive the same commissions as they would have been entitled to had the estate been declared escheated in due form of law.

Title to Wm.  
 Pendarvis.

Proviso.

III. That all the right, title and interest of the State in and to all the real estate liable to escheat, whereof Lydia Smith and Peter Burns died seized and possessed, in the city of Charleston, be vested in Emeline Kinloch, wife of Benjamin Kinloch, Margaret Marshall, wife of William Marshall, and Eliza Smith, share and share alike, to be held by them and their heirs forever.

Title to Emeline  
 Kinloch,  
*et al.*

IV. That all the right, title and interest of the State in and to all the estate, real and personal, whereof John B. Logan, an illegitimate, died seized and possessed, and in and to all the estate, real and personal, whereof Charles B. Logan, an illegitimate, died seized and possessed, be vested in Rebecca Liles, wife of M. W. Liles; Amanda Holloway, wife of Edward P. Holloway; Eliza Nicks, wife of Ambrose Nicks, and in Martin Jackson and Adeline Jackson, minors and children of Henrietta Jackson, a deceased sister of the said John B. Logan and Charles B. Logan; in the said Rebecca Liles, Amanda Holloway and Eliza Nicks, one share each; and in the said Martin Jackson and Adeline Jackson, the share to which their mother, Henrietta Jackson, if alive, would be entitled under this Act, to be held by them and their heirs forever.

Title to Rebecca  
 Liles, *et al.*

V. That all the right, title and interest of the State in and to all the real estate liable to escheat, whereof William Gibson, late of Fairfield District, died seized and possessed, be vested in James Kerr and his heirs forever.

Title to Jas.  
 Kerr.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1851. AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS  
 OF CROSS ROADS OF CHARLESTON NECK TO CANCEL AND  
 No. 4065. DELIVER UP TO THE WASHINGTON FIRE ENGINE COMPANY  
 A CERTAIN NOTE AND MORTGAGE HELD BY THEM AGAINST  
 THE SAID COMPANY.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Cross Roads of Charleston Neck be, and they are hereby, authorized and empowered to cancel and deliver up to the Washington Fire Engine Company a certain note held by them against the said company for the sum of two hundred dollars, and also the mortgage upon their engine, given to secure the payment of the same.

Commission-  
ers to deliver  
bond, &c.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
 JAMES SIMONS, Speaker House of Representatives.

No. 4066. AN ACT TO ESTABLISH AND INCORPORATE A BANK IN THE  
 TOWN OF WINNSBOROUGH.

Enacting  
clause.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same. That in order to establish a bank in the town of Winnsborough, the following persons be, and they are hereby, appointed Commissioners to receive subscriptions at the several places herein-after mentioned :

Commission-  
ers appointed  
to receive sub-  
scriptions.

At Winnsborough—Samuel G. Barkley, James B. McCants, John Simonton.

At Charleston—Wm. H. Gilliland, Joseph D. Aiken, N. B. Hill.

At Columbia—James Cathcart, James A. Kennedy, A. H. Porcher.

At Chesterville—John A. Bradley, John Dunovant, James Hemp-hill.

At Yorkville—Wm. C. Beaty, R. G. McCaw, Wm. A. Latta.

At Camden—John Rosser, James Dunlap, Wm. M. Shannon.

At Lancaster—James Witherspoon, John Adams, Wm. McKenna.

At Cheraw—John A. Inglis, A. P. LaCost, Wm. A. McCreight.

At Georgetown—Richard Dozier, J. B. Anderson, B. A. Coachman.

At Sumterville—Thomas B. Frierson, Henry Haynesworth, Anthony White, Sr.

Duties of the  
Commis'ers.

And the said Commissioners, or a majority of them, at each of the said places, shall, on the first Monday in April next, and day following, open subscriptions, from the hours of ten o'clock, A. M., until two o'clock, P. M., on each day, in the above places, respectively,

A. D. 1851.

for the purpose of raising the sum of three hundred thousand dollars, whereof one month's public notice shall be previously given in some one of the gazettes of Charleston, Columbia, Camden, Yorkville, Chesterville, Cheraw, Georgetown, Sumterville and Winnsborough; and the above named Commissioners, at each of the above mentioned places, except Winnsborough, shall, on or before the second Monday in April next, respectively, forward correct lists of the shares subscribed, together with the moneys paid on such shares at the time of subscribing, for the purpose of apportioning the same to the above named Commissioners at Winnsborough, who shall make out and forward to all the other above named Commissioners, respectively, a schedule of the said apportionments; and such subscribers paying their subscription moneys, respectively, as herein-after provided, then being stockholders, and all other persons who may thereafter become stockholders in the said company, shall be, and they are hereby, incorporated, and made a corporation and body politic, by the name and style of "The Planters' Bank of Fairfield, South Carolina," and so shall continue until the first day of January, one thousand eight hundred and sixty-six.

II. That in case the amount of three hundred thousand dollars shall not be subscribed on the days, and at the places above mentioned, then the books of subscription shall be again opened in the town of Winnsborough, to remain open until the first Monday in August next, unless the full amount of stock shall be sooner subscribed.

Books to be re-opened to supply deficiency in capital.

III. That the said corporation, by its said name and style, shall be, and is hereby, made capable in law, to have, purchase, receive, possess, enjoy and retain, to it and its successors, lands, rents, tenements, hereditaments, goods, chattels, promissory notes, bills of exchange, and all other choses in action, moneys and effects, of what kind, nature or quality soever, to an amount not exceeding in the whole three times the amount of the capital stock of the said corporation, and the same to sell, alien, or dispose of; and also to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or in any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure; and also to discount promissory notes at a rate of interest not exceeding one per cent. for sixty days, and to deal and trade in bills of exchange; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to the laws of this State, or of the United States, or to the Constitution thereof. And generally to do and execute all and singular such acts, matters and things, which may be deemed necessary and proper for the good government and management of said corporation, subject, nevertheless, to such regulations, restrictions, limitations and provisions as shall hereafter be prescribed and declared.

The power to hold property, and other privileges.

IV. That in case a greater amount than three hundred thousand dollars be subscribed, the Commissioners above named, at Winnsborough, shall not, in apportioning said shares, take from the subscribers for only five shares, unless they cannot otherwise sufficiently reduce the amount subscribed. That the capital stock of said bank

Reduction of over subscription.

A. D. 1851.

Division of  
capital stock  
into shares.

Payment of  
instalments.

Forfeiture for  
non-payment.

Voting.

Proviso.

Election of  
Directors.

Vacancies—  
how filled.

Managers of  
election—their  
duties.

shall be divided into twelve thousand shares, of twenty-five dollars each share; that five dollars in specie, or the bills of specie-paying banks of this State, shall be paid on each share, at the time of subscribing, and the balance of twenty dollars on each share shall be paid in four equal instalments, on the first Monday in August, November, February and May following; and all shares on which the payment due shall not be punctually made on or before the days above mentioned shall be forfeited, with whatever moneys may have been paid thereupon. But no such forfeiture shall exonerate the stockholder from liability to pay up the amount of his subscription, unless his stock shall have been previously sold in good faith.

V. That the number of votes to which each stockholder shall be entitled shall be in the following proportion to the number of shares, respectively, that is to say: For one share, one vote; for every one share thereafter, and not exceeding ten, one vote; for every two shares above ten, and not exceeding twenty, one vote; for every four shares above twenty, and not exceeding thirty-six, one vote; for every six shares above thirty-six, and not exceeding fifty, one vote; for every eight shares above fifty, and not exceeding seventy-five, one vote; for every ten shares above seventy-five, one vote: *Provided, always,* That no person, copartnership or body politic shall be entitled to a greater number than fifty votes; that no share or shares shall confer the right of suffrage, which shall not have been held three calendar months previous to the day of the election after the first election is had; that no other stockholders than those who are citizens of the United States shall be allowed to vote; and that stockholders, being citizens of the United States, and actually residents therein, and none other, may vote by proxy, provided such proxy be a stockholder, and a citizen of this State.

VI. That there shall be an election in the said corporation on the first Monday in June in each year, and in default thereof, on such other day as shall be fixed by said corporation, for seven Directors, who shall be chosen by the stockholders or their proxies, from among themselves, and by a plurality of votes actually given; and those who shall be actually chosen at any election shall be capable of serving as Directors by virtue of such choice, until the end of the first Monday in June next ensuing the time of such election; and the said Directors, at their first meeting after such election, shall choose one of their number as President, and in case of the death, resignation, absence from the State, or removal from office by the stockholders of a Director, his place may be filled by the other Directors for the remainder of the year; and that a fair and correct list of the stockholders shall be made out by the Directors, at least one month previous to any election of Directors, subsequent to the first election, to be submitted to the inspection of any stockholder, and to prevent a division of shares for the purpose of obtaining undue influence. Managers of Elections for Directors of said bank may administer, and shall, if the same be demanded by any stockholder of said bank, to every stockholder offering to vote, the following oath, that is to say: "You, A. B., do swear (or affirm, as the case may be,) that the stock you now represent is *bona fide* your property, and that no other person or persons is or are concerned therein." And to any person offering to vote as proxy, for a minor,



or in right of, or in trust for any other stockholder entitled to vote, the following oath: "You, A. B., do swear (or affirm, as the case may be,) that the stock you now represent is the property of C. D., and that no other person or persons, to the best of your knowledge or belief, is or are concerned therein;" and any stockholder refusing to make such oath or affirmation shall not be allowed to vote at such election.

A. D. 1851.

VII. That no stockholder who is not a citizen of this State shall, nor shall any Director of any other bank, nor copartner of such Director, nor more than one person of a copartnership firm, be a Director of said bank; nor shall any person act as a Director, who may be under protest in said bank, as drawer or endorser of any paper held by the said bank, either for discount or collection, unless he shall prove, to the satisfaction of a majority of the other Directors, that he has just reasons, and legal and sufficient cause for refusing payment of the demand on which such protest may be founded.

Eligibility of Directors.

VIII. That no less than four Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, when his place may be supplied by any other Director, whom he shall, by writing, nominate for the purpose; and in default of such nomination by the President, or in case of sickness or necessary absence of the person so nominated, the Board of Directors may, by ballot, appoint a temporary President.

Quorum for transaction of business, &amp;c.

IX. That the Directors, for the time being, shall have power to appoint such officers, clerks and servants under them as shall be necessary for executing the business of said corporation, in such manner and upon such terms as they shall deem necessary and proper, and shall also have power to remove such officers, from time to time, at their will and pleasure; and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation as shall be prescribed, fixed and determined by the laws and regulations thereof.

Appointment and removals of officers and clerks.

X. That no officer of said bank, other than a Director, not being President, shall be permitted, either directly or indirectly, to carry on the business or trade of buying or selling cotton, or other produce, factorage, brokerage, vendue, or the exchange of money or bills for profit; and every such officer so trading shall be removed from office by the Directors, and shall not be re-eligible to any office in said bank.

Officers prohibited from trading, &amp;c.

XI. That no Director or other officer of said bank shall, directly or indirectly, receive any compensation for any agency in negotiating any business with the bank, in procuring discounts, renewing notes, or receiving moneys from individuals on notes discounted; and every such Director or other officer thus receiving compensation shall be removed from office, and disqualified from thereafter holding any office in said bank.

Further prohibitions.

XII. That a meeting of the stockholders may be called at any time by the President and Directors, or a majority of them, or by any Director who may protest against the proceedings of the Board, and who may wish the propriety of his dissent to be considered by the stockholders, or whenever the holders of two thousand shares,

Special meetings of stockholders.

A. D. 1851.  
 Proviso.

or upwards, shall require the same: *Provided*, That no such meeting of the stockholders shall be competent to transact business, unless one month's previous notice be given in at least two public gazettes in the State, and unless a majority of the stock in said bank be represented.

The extent of land, etc., lawful to be held.

XIII. That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as may be requisite for its immediate accommodation for the transacting of its business, to an amount not exceeding twenty-five thousand dollars, such as shall have been *bona fide* mortgaged or assigned to it, by way of security, for payment of debts previously contracted in course of its dealings, and such as shall have been purchased at sales upon judgments previously obtained.

Conditions for commencement of business.

XIV. That the said bank shall not issue any bills or notes for the payment of money, or commence discounting, until one-third part of its capital stock, in specie, shall be deposited in its vaults, nor until a bonus of seven thousand five hundred dollars be paid into the Treasury of the State. Whereupon the said bank shall be, and the same is hereby declared to be, exempted from the payment of all taxes during the term that it is hereby incorporated.

Stock transferable.

XV. That the stock of said bank shall be assignable and transferable, according to such regulations, and upon such terms as may be prescribed and fixed by the said corporation.

Notes and bills—how negotiable.

XVI. That the bills or notes which may be issued by order of the said corporation, signed by the President, and countersigned by the principal Cashier or Treasurer thereof, promising the payment of money to any person or persons, his or her or their order, or to the bearer, though not under seal of the said corporation, shall be binding and obligatory upon the said corporation, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity, and shall be assignable and negotiable, in like manner as if they were so issued by such private person or persons, that is to say: Those which shall be payable to any person or persons, his, her, or their orders, shall be assignable by endorsement, in like manner, and with like effect, as foreign bills of exchange or promissory notes now are; and those which are payable to any person or persons, or bearer, shall be assignable and negotiable by delivery only.

Limitation of indebtedness.

XVII. That the total amount of debts which the said corporation shall at any time owe, shall not exceed three times the amount of its capital stock, exclusive of the amount of money then actually deposited in the bank for safe keeping. And in case of excess, the Directors, under whose administration such excess shall happen, shall be liable for the same in their private and individual capacities, and an action may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any Court having jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for said excess. And such of the said Direc-

Liability of Directors for excess of indebtedness.

Corporation also liable.

tors as may have been absent when such excess was contracted or created, or such as may have dissented from the resolution or act whereby the same was contracted or created, may, respectively, exonerate themselves from being thus liable, by forthwith giving notice of the fact, and of their absence or dissent, to the stockholders, at a general meeting to be called for that purpose.

A. D. 1851.

Absent or dissenting Directors may be exonerated.

XVIII. That the said corporation shall not be permitted to purchase any public debt whatsoever, except of this State, or of the United States; nor shall directly or indirectly deal or trade in anything except notes, bills of exchange, gold or silver bullion, or in the sales of goods really and truly pledged for money lent, and not redeemed in due time, or of goods which shall be the produce of its lands; neither shall the said corporation take more than at the rate of one per cent. discount for sixty days, for or upon its loans or discounts. That if the said corporation shall purchase, trade, discount or loan, contrary to the provisions of this Act, all and every person or persons thus purchasing, trading, discounting or loaning, contrary to the provisions of this Act, shall forfeit and lose treble the value of the goods, wares and merchandise, notes, bills or loans thus illegally purchased, traded for, discounted for or loaned, one-half thereof to the use of the informer, and the other half thereof to the use of the State.

Purchase of any public debt prohibited.

Rate of interest.

Forfeiture in case of illegal trading.

XIX. That the bills or notes of the said corporation, originally made payable on demand, or which shall have become payable in gold or silver, current coin, shall be receivable by the Treasurers, Collectors, Solicitors and other public officers, in all payments for taxes or other moneys due the State, so long as the said bank shall pay gold and silver current coin for their notes.

Bills made receivable for taxes, &c.

XX. That dividends shall be made at least twice in each year by the said corporation, of so much of the profits of the said bank as shall appear to the Directors advisable; and once in every year the Directors shall lay before the stockholders, at a general meeting, for their information, the amount of surplus profits, if any, after deducting losses and dividends.

Dividends—at what times to be made.

Directors to report surplus profits.

XXI. The said corporation are hereby authorized to increase their capital to a sum not exceeding five hundred thousand dollars, should a majority of stockholders, at a general meeting, at any time during a continuance of their charter, deem the same necessary or advisable, by disposing of any number of additional shares, not exceeding eight thousand.

Power to increase capital stock.

XXII. That in case of the failure of said bank, each stockholder, copartnership or body politic, having a share or shares therein, at the time of such failure, or who shall have been interested therein, at any time within twelve months previous to such failure, shall be liable and held bound, individually, for any sum not exceeding three times the amount of his, her or their share or shares.

Liability of the stockholders in case of failure.

XXIII. That any real estate, bills, notes, moneys, profits or other property whatsoever, which may, on the dissolution of said corporation, be owned or possessed by it, shall be held by the Directors of said bank for the use and benefit of all persons holding shares in said corporation at the time of its dissolution, and their legal assigns and representatives, in average and proportion to the number or amount of said shares.

Property to revert to stockholders in case of dissolution.

- A. D. 1851. XXIV. No loan shall be made by the said bank, secured in any way by a pledge of its stock, until twelve months after the whole capital stock shall have been paid in.
- Conditions of loan. Redemption of bills. XXV. The said bank shall make such provision for the redemption of its bills at Charleston as will keep them at par throughout the State.
- Capital subject to taxation. XXVI. That the capital of said bank shall be subject to taxation in such manner as the Legislature shall from time to time impose.
- Corporation subject to laws relative to suspensions. XXVII. That the said bank shall be subject to all the provisions of an Act passed the eighteenth day of December, 1840, entitled "An Act to provide against the suspension of specie payments by the banks of this State, and such regulations and restrictions as the Legislature shall from time to time impose."
- The duties of the Governor in case of suspension. XXVIII. That in case the said bank shall at any time suspend the payment of current coin for its notes, the Governor shall, at his discretion, either cause to be issued a *scire facias* to vacate its charter, or take proper measures to enforce the penalty imposed by the second Section of the said Act of 1840.
- Provision in case of refusal to pay current coin. XXIX. That if the officers of this bank shall refuse or delay payment, in gold or silver current coin, of its promissory notes, or other obligation, on demand, made at its counter during the usual hours of business, it shall be liable in damages, to the note holder or other creditor, at the rate of twelve per cent. per annum for the time of such refusal or delay.
- Charter subject to amendment. XXX. That the charter of said bank, so incorporated, as aforesaid, by this Act, shall at all times remain subject to amendment, alteration or repeal, by the legislative authority of this State.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

- No. 4067. AN ACT TO VEST IN THE SOUTH CAROLINA RAILROAD COMPANY THE TITLE TO CERTAIN LOTS IN THE TOWN OF COLUMBIA.

Title vested. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the title to the following squares in the town of Columbia be, and the same is hereby, vested in the South Carolina Railroad Company, that is to say, one square bounded by Lincoln, Gervais, Gadsden and Senate streets, and one square bounded by Senate, Gadsden, Pendleton and Lincoln streets, together with so much of Senate street as lies between Lincoln and Wayne

streets, and so much of Gadsden's street as lies between Gervais and Pendleton streets.

A. D. 1851.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE BY LAW FOR THE COMPENSATION OF No. 4068.  
PHYSICIANS FOR POST MORTEM EXAMINATIONS.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following compensation shall hereafter be allowed to any physician who may be called in by the acting Coroner to make a *post mortem* examination, to wit: Where death has resulted from external violence, and where no dissection is required, the sum of ten dollars; where dissection is necessary, and no interment has taken place, twenty dollars; for the same, after one or more days' interment, thirty dollars; for the same, when any chemical analysis is required, a sum not exceeding fifty dollars, together with the expense of such analysis; and that in every case in which a physician shall be called to any distance beyond one mile, he shall be allowed the mileage usually charged in his neighborhood: *Provided*, That in all cases in which chemical analysis shall be made, the physician who shall make the *post mortem* examination shall furnish to the Legislature, with his account, a full statement of such analysis: *And provided*, Every account presented for services for any *post mortem* examination shall have the certificate of the Coroner, or Magistrate acting as Coroner, that the services were rendered.

Compensation allowed.

Proviso.

Additional proviso.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE NORTH-EASTERN RAILROAD No. 4069.  
COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall subscribe, in the manner hereinafter prescribed, for the purpose of constructing a railroad from the

Enacting clause.

A. D. 1851.

Title.

city of Charleston to such point on or near the Wilmington and Manchester Railroad, west of the Great Pee Dee, as may be selected, shall be incorporated by the name and style of the "North-Eastern Railroad Company."

Subscription books—when and where to be opened.

II. Books for receiving subscriptions to the capital stock of the said company, which shall consist of at least four thousand shares, of fifty dollars each, shall be opened on Monday, the sixteenth day of February next, and the five following days, in Charleston, at Georgetown, Pineville, and at King's Tree, in Williamsburg District, by the following Commissioners, namely: In Charleston, John Ravenel, Robert Hume and James Gadsden; at Georgetown, L. T. Atkinson, B. H. Wilson and W. W. Shackelford; at Pineville, W. D. Bonneau, W. Mazzyck Porcher and John Money; at King's Tree, James L. Mouzon, Samuel P. Mathews and John Armstrong; at Bennettsville, D. B. Townsend, A. H. Douglass and E. P. Ervin; at Cheraw, D. S. Harlee, A. P. LaCoste and A. Blue. The said Commissioners shall give at least thirty days' notice of the time and places of receiving subscriptions, by advertisements in one or more of the newspapers in Charleston and in Georgetown. It shall be lawful for one of the said Commissioners, at each place, to receive subscriptions in the absence of the others, and if any of them shall decline to act, the Governor may appoint others in their stead.

Notice to be given of opening of books.

The duties of Commissioners.

Amount to be paid at the time of subscribing.

Subscription money to be deposited.

Provision for re-opening the books.

When to go into operation, and notice to be given thereof.

Of proxies.

Power to adjourn to secure representation of shares.

Election of officers.

There shall be paid to the Commissioners, at the time of subscribing, one dollar on each share subscribed, and no subscription shall be valid without such payment. The Commissioners in Charleston, Pineville and King's Tree, shall deposit the money, so paid to them, in the Bank of the State of South Carolina, in Charleston, in the name of the Commissioners for receiving subscriptions to the North-Eastern Railroad Company; and the Commissioners of Georgetown shall deposit the amount paid to them, in the Bank of Georgetown, in the same manner. In case, at the time of closing the books, the requisite number of shares shall not have been subscribed, it shall be lawful for the Commissioners to receive further subscriptions, at any time within one year from the first opening of the books. If, at the time of closing the books, or at any time within one year from their first opening, as aforesaid, the requisite number of shares shall have been subscribed, the company shall be incorporated, and the Commissioners shall forthwith appoint the time and place for a meeting of the stockholders, whereof public notice shall be given at least thirty days before, by advertisement in one or more newspapers in Charleston and Georgetown.

III. At the first and all other meetings of the said company, it shall be lawful for any stockholder to be represented by proxy, whose appointment shall be in writing, signed by such stockholder; but no person not a stockholder shall be such proxy. If the holders of a majority of the shares shall not attend in person, or be represented by proxy, at the time and place appointed for any meeting, the stockholders present shall have authority to adjourn the meeting from time to time until a majority of the shares shall be represented. At the first meeting of the stockholders, and annually thereafter, at such time as may be appointed by the by-laws, they shall elect by ballot, to serve for one year, and until another election, a President and six Directors. No person shall be elected as

President or Director, who is not the owner of at least fifty shares, which, as to all elections after the first, shall have been held by the person elected at least three months before the election. In the election of President and Directors, in the establishment of by-laws, and in all other acts to be done by the stockholders in their corporate capacity, the votes shall be counted in proportion to the number of shares held by them respectively, according to the following scale: For each share, from one to fifty inclusive, one vote; for every five shares above fifty, and not above one hundred, one vote; and for every ten shares above one hundred, one vote.

A. D. 1851.

Qualification for the office of President and Directors.

Scale for voting according to shares held.

IV. The said company, by its corporate name above mentioned, shall have perpetual succession of members, shall be capable of acquiring and holding real and personal property, so far as the same may be necessary and suitable for the purposes for which they are incorporated; may sue and be sued, plead and be impleaded; may have and use a common seal, which they may break and alter at pleasure; and make all such by-laws, rules and regulations as they may deem necessary for the well ordering and conducting of the affairs of the company.

Special privileges.

V. The said company shall have power and authority to locate and construct a railroad from Charleston, or from any point on the east bank of Cooper River, within three miles of Charleston, to such point on or near the Wilmington and Manchester Railroad, west of the Great Pee Dee, as may be selected; and in case the route which may, on examination, be found most eligible, should not pass by or near the delta of the Santee and the town of Georgetown, then the said company shall be authorized to construct a branch railroad, or a plank road to Georgetown. It shall also have authority to construct branch railroads or plank roads, in any direction, and to any distance, not exceeding twenty-five miles from the main track of the said railroad. For crossing rivers or other water courses, the said company may, at their option, either construct viaducts, but so as not to obstruct the navigation of such rivers or water courses, or proper wharves and landing places, and use steamboats, or other suitable boats; and no steam or other vessels, not belonging to the said company, shall, without their consent, use such wharves or landing places.

Location for building road.

Branch roads.

Viaducts, &c.

VI. For the purpose of acquiring such lands or right of way as they may require for the location and construction of the said railroads, or plank roads, or for the erection or location of such depots, warehouses, stations, wharves, and other necessary establishments, or for extending or altering the same, the said company shall have every right, privilege and power heretofore granted to, and which now is, or has been used, possessed or enjoyed by any railroad company heretofore incorporated in this State, and shall also be entitled to the use and benefit of every process or proceeding provided by law for enabling any other railroad company in this State to obtain such lands or right of way as they might require in cases in which the consent of the owners cannot be obtained; and the said company shall have the same exclusive right of transportation on their railroad or railroads which is possessed and enjoyed by any other railroad company in this State; and persons trespassing or intruding upon the said railroad shall be liable to all the penalties provided

Right of way, for constructing road.

The right of transportation.

Trespasses and intrusions.

A. D. 1851.

Right to un-  
granted lands.

by law for the prevention of trespasses and intrusions upon any other railroad; and any person who shall wilfully destroy, damage or obstruct the said railroad, or any branch or part thereof, shall be liable to all the penalties to which persons wilfully destroying, damaging or obstructing any other railroad are made liable by any law of this State; and the said company shall have the same right to all ungranted lands, not appropriated to the use of the State, within one mile of the main track of the said railroad, or any of its branches, which has been heretofore granted or allowed to any other railroad company as to lands within one mile of their railroad; and the said company shall have the same presumptive right and title, and to the same extent, to lands through which the said railroad, or any branch thereof, may be constructed, in the absence of any contract with the owner or owners of such lands, which is possessed or enjoyed by any other railroad company as to lands through which their railroad, or any branch thereof, may have been, or may be constructed, in the absence of any contract with the owners thereof.

Provision to  
increase capi-  
tal stock.

VII. It shall be lawful for the said company to increase their capital stock to any amount not exceeding two millions of dollars, by receiving subscriptions for additional shares, on such terms and conditions as they may think proper to prescribe, and also to borrow money for the purposes aforesaid, on such terms and at such rate of interest as they may think proper.

Subscriptions  
to stock—how  
payable.

VIII. Subscriptions to the stock of the said company shall be payable by instalments of not more than five dollars on each share, and at intervals not less than sixty days under such regulations as may be prescribed by the by-laws. Public notice of the time of payment of each instalment shall be given at least sixty days before. In case any instalment on any share shall remain unpaid for the space of ninety days after the time appointed for payment thereof, such share shall be liable to forfeiture, and the company may declare the same forfeited and vested in the company, but such forfeiture shall be deemed to discharge the defaulting stockholder from the obligation to pay the amount remaining unpaid on the forfeited share. The shares of the capital stock of said company shall be personal property, and shall be assignable and transferable in such manner, and under such regulations as may be prescribed by the by-laws.

Unpaid in-  
stalments.

Stock trans-  
ferable.

Officers to  
execute pow-  
ers granted.

IX. The President and Directors of the said company shall have authority to carry into execution all the powers hereby granted to the company, subject to such limitations and restrictions as may be imposed by the by-laws. There shall be at least one meeting of the stockholders annually, at such time as may be appointed by the by-laws, at which the President and Directors shall make a report in writing of the affairs and condition of the company—other meetings may be called by the President and Directors, whose duty it shall be to call a meeting of the company whenever it is demanded in writing by twenty stockholders having among them three hundred shares or more. It shall be lawful for the stockholders, at any meeting, to remove the President and Directors, or any of them, from office, and to elect others in their stead. The President and Directors shall have authority to draw out the money deposited in

The annual  
meetings, and  
report.

Removal of  
officers.

Authority to  
draw money.



bank by the Commissioners for receiving subscriptions to the stock of the company.

A. D. 1851.

X. This Act shall be in force for the term of fifty years from the ratification thereof, and shall be deemed a public Act: *Provided*, That the work for the execution whereof the said company is incorporated shall be commenced within two years from the first day of January next, and the main track of the said railroad be completed within eight years thereafter.

Limitation of charter.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF CROSS ROADS OF CHARLESTON NECK TO DELIVER UP TO THE MARION FIRE ENGINE COMPANY A CERTAIN BOND AND MORTGAGE.

No. 4070.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Cross Roads of Charleston Neck, be, and they are hereby, authorized and empowered to cancel and deliver up to the Marion Fire Engine Company, a certain bond of three hundred dollars, held by them, against the said company, and also the mortgage held by them, on a certain lot of land on Cannon street, to secure the payment of the said bond.

Commissioners to deliver bond, &c.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE LAW IN RELATION TO MANAGERS OF ELECTIONS.

No. 4071.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of some one of the Managers of Elections, at each poll, to meet the Managers of Elections at the court house, or place appointed by law to count the votes, as now or hereafter required by law; and should the Managers of any poll wilfully neglect or refuse to have the votes at that poll received,

Managers to meet and count votes.

Indictment for neglect.

A. D. 1851.

taken to the court house, or place appointed by law to count the votes, by some one of them, and counted according to law, each of the Managers at such poll shall be subject to be indicted, and on conviction, shall be fined at the discretion of the Court, in a sum not exceeding twenty dollars.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

No. 4072. AN ACT TO AMEND THE CHARTER OF THE SOUTH CAROLINA ANNUAL CONFERENCE.

The charter amended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William M. Wightman, Whiteford Smith, H. A. C. Walker, Jos. H. Wheeler, James Stacy, N. Talley, C. Betts, W. Martin, S. W. Capers, W. A. Gamewell, R. J. Boyd, and D. Derrick, with such others as they may associate with themselves, and their successors, be, and they are hereby declared to be, a body corporate in deed and in law, by the name of the South Carolina Annual Conference, and by the said name shall have perpetual succession of officers and members, and a common seal, with power to purchase, have, hold, receive and enjoy in perpetuity, or for any term of years, any estate, lands, tenements or hereditaments, not exceeding twenty thousand dollars in nett annual produce, of what kind soever, and to sell, alien, remise and change the same or any part thereof, as it shall think proper; and by its said name to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State; and to make such rules and by-laws (not repugnant to the law of the land) for the regulation, benefit and advantage of the said corporation, and the same to change and alter, as shall, from time to time, be agreed upon by a majority of the members of the said corporation.

The power to hold property.

II. The said corporation may take and hold to itself and its successors forever, any gifts or devises, or bequests of lands, personal estate, and choses in action, and may appropriate the same for the benefit of the said corporation, in such manner as may be determined by a majority of the members thereof; and the said corporation may become Trustee for any religious or charitable use.

Property to be vested in corporation.

III. The said corporation shall, with the consent of a majority of the members of the unincorporated body now known as the South Carolina Annual Conference of the Methodist Episcopal Church, South, be vested with all the rights and property belonging to the said last mentioned body, and also belonging to the unincorporated body heretofore known in South Carolina as the South Carolina Annual Conference of the Methodist Episcopal Church, and

the said corporation is hereby empowered to elect or appoint any one or more officers, and the same to change at pleasure, who shall have full authority to receive from any person the possession of any property or moneys belonging to either of said unincorporated bodies; or in which they or either of them have any use, right or claim; and the same to sue for and recover, and the release of the said officer or officers of the corporation shall be a full and sufficient discharge to any person paying over or delivering up any such money or property.

A. D. 1851.  
Election of Trustees, and their powers.

IV. That so much of an Act entitled "An Act to incorporate certain societies and companies, and to revive and amend certain charters heretofore granted," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, as relates to the South Carolina Annual Conference, be, and the same is hereby, repealed.

Repeal of the former charter.

V. That this Act shall be deemed and taken as a public Act, and notice thereof shall be taken in all the Courts of justice, and elsewhere in this State, and shall be given in evidence without special pleading.

Public Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and in the seventy-sixth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

A BILL TO ALTER AND AMEND THE CONSTITUTION SO AS TO CHANGE THE NAME OF THE ELECTION DISTRICT OF SAXE-GOTHA TO THAT OF LEXINGTON, AND TO EXTEND ITS BOUNDARIES TO ITS PRESENT JUDICIAL LIMITS.

No. 4073.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the amendment of the Constitution, ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, be amended to read as follows: The election District, called by the name of Saxe-Gotha, shall be changed to that of Lexington, and the boundaries thereof extended to the judicial limits of the same, as now fixed by law.

Name changed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one. We certify that the above Bill has been read the present session three times in the House of Representatives, and was agreed to by two-thirds of both branches of the whole representation on the second and third reading thereof.

ROBT. F. W. ALLSTON, President of the Senate.  
JAMES SIMONS, Speaker House of Representatives.

A. D. 1851.

## RESOLUTIONS

## REPORTED BY THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

ADOPTED DECEMBER, 1851.

IN THE HOUSE OF REPRESENTATIVES, December 13, 1851.

The Committee recommend that the following resolutions, which were drafted by the Committee on Privileges and Elections in 1841, be adopted, and that the same be printed with the Acts of the Assembly, and also with the writs of election, and that the Clerks of the two Houses be directed to cause the same to be forwarded to the Managers of Elections throughout the State.

I. *Resolved*, That the Managers of Election are requested to pay special attention to the following portions of the law relating to elections :

- |                                                   |                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Record of names.                                  | 1. The names of the voters to be regularly written as they vote and the list preserved, A. A. 1716, 2 Stat. p. 684.                                                                                                                                                                                                                                                   |
| Illegal votes.                                    | 2. If two or more tickets, in counting the votes, be found rolled up together, or more names be found written on any ticket than ought to be voted for, all such tickets are not to be counted, A. A. 1716, 2 Stat. p. 684, and A. A. 1721, 3 Stat. 136.                                                                                                              |
| Balloting.                                        | No voter shall be allowed to put in more than a single ballot or piece of paper in the same box or vessel; but a ticket is to be counted, though it contains fewer names than are to be voted for.                                                                                                                                                                    |
| Duties and liabilities of Managers.               | 3. If any Manager shall knowingly receive an illegal vote, or shall refuse to receive a legal one, or shall neglect or refuse to attend the election, or shall count the ballots before the proper time, or at any other than the proper place, he shall be liable to penalties, A. A. 1716, 2 Stat. 689, and A. A. 1721, 3 Stat. 138 and A. A. 1769, 4 Stat. 100.    |
| Oaths, examination of witnesses and misdemeanors. | 4. Managers are authorized to administer oaths and examine witnesses; to maintain order and regularity at the polls; and, by order in writing, (directed to the Sheriff, Constable or Special Deputy,) to commit to jail for one day any person who refuses to obey the lawful commands of the Managers, or shall disturb their proceedings, A. A. 1831, 6 Stat. 442. |
| Rejection of votes by Managers.                   | 5. If any person refuses to make proper oaths, or if the Managers be otherwise satisfied that he is not qualified, his vote shall be rejected, A. A. 1831, 6 Stat. 443.                                                                                                                                                                                               |
| Challenging votes.                                | The Managers, or any other person entitled to vote, may challenge any person offering to vote, A. A. 1831, 6 Stat. 443.                                                                                                                                                                                                                                               |
| Vacancies by death or otherwise.                  | 6. Managers are authorized to swear each other, A. A. 1818, 6 State. 94, or they may be sworn by any one authorized to administer oaths.                                                                                                                                                                                                                              |
| Opening and closing polls.                        | 7. In case of death, removal from the district, or refusal to serve of any Manager, a majority of the delegation are authorized and required to fill up the vacancy by appointment in writing, A. A. 1818, 6 State. 94.                                                                                                                                               |
|                                                   | 8. Polls to be opened at 9 o'clock A. M. and closed at 4 o'clock P. M., with convenient intervals. The box, vessel or bag to be                                                                                                                                                                                                                                       |

sealed up when the polls are closed, and not be opened except to receive votes the second day, and to count the votes at the regular time and place, A. A. 1721, 3 Stat. 137.

A. D. 1851.

II. *Resolved*, That the Managers of Elections, prior to their proceeding to the elections, do take the following oath or affirmation before some Magistrate, or one of the Managers of Elections, to wit: "That they will faithfully and impartially conduct and attend to the foregoing elections, agreeably to the Constitution of the State of South Carolina and the laws thereof."

Managers to take oath.

III. *Resolved*, That in future no person qualified to vote for members of each branch of the Legislature shall be permitted to vote in more than one election district or parish, and the Managers of Election throughout the State are hereby required and directed, if they think proper, (or on application of any elector present) to administer to any person or persons offering to vote the following oath:

Voting.

"I, A. B., do solemnly swear (or affirm, as the case may be,) that I have not, at this general election for members of the Legislature, voted in this or any other district or parish, and that I am constitutionally qualified to vote—so help me God."

Oath.

And if any person or persons, required as aforesaid to take said oath or affirmation, shall refuse to do so, then the Managers, in their respective Districts or Parishes, shall be, and they are hereby, required and enjoined to refuse such vote or votes, and in case the Managers shall refuse to require the oath as aforesaid when demanded, they shall be liable to all the pains and penalties they would be liable and subject to for neglecting any other duties required of them as Managers of Elections for either branch of the Legislature.

Refusal to take oath.

Duties of the Managers relative thereto.

IV. *Resolved*, That the Act altering the fourth Section of the Constitution of the State of South Carolina be herewith published, to wit:

Act altering 4th Sec. of Constitution relative to qualification of voters.

"Every free white man of the age of twenty-one years, (paupers, non-commissioned officers and privates of the army of the United States excepted,) being a citizen of this State, and having resided therein two years previous to the day of election, and who has a freehold of fifty acres of land, or a town lot of which he has been legally seized and possessed at least six months before such election, or not having such freehold or town lot, hath been a resident in the election District in which he offers to give his vote before the election six months, shall have a right to vote for a member or members to serve in either branch of the Legislature for the election District in which he holds such property or residence."

V. *Resolved*, That the two years' residence required by the Constitution in a voter, are the two years immediately previous to the election, and the six months' residence in the election District, are the six months immediately previous to the election. But if any person have his home in the State, he does not lose the right of residence by temporary absence with the intention of returning, but if one have his home and family in another State, the presence of such person, although continued for two years in the State, gives no right to vote.

VI. *Resolved*, That the Managers of Elections throughout the State be restrained from publishing notice of elections in the news-

Publication of notice of elections.

A. D. 1852.

papers more than twice a week for one month, and on the days or election. That in the Parishes of St. Philip and St. Michael the notice of elections shall be published in one newspaper only for the sum of fifty dollars; that in each other District, where a gazette is published, the Managers shall publish so much as relates to that District, in one gazette, for the sum of twelve dollars and fifty cents, and where no gazette is published in the District, the Managers shall put up notices of election at three or more public places, and at every place of election in the District; that the Managers of Elections throughout the State shall give reasonable notice of the election, and at least two Sundays previous to the election.

Elections under purview of Managers.

VII. *Resolved*, That the Managers of Elections are authorized and required, under the general laws, to hold and conduct elections for Clerk, Tax Collectors, Commissioners of the Poor, and other District officers, whenever vacancies occur, (as provided by law,) and that it is unnecessary for this Legislature to give special directions in relation to the election of said District officers.

Diligence enjoined on Managers.

VIII. *Resolved*, That the Managers of Elections throughout the State be, and are hereby, enjoined to use the utmost diligence, care and promptness in discharging these duties, in making correct and full returns, and enforcing the laws and resolutions provided for their guidance, so as to ensure fair and valid elections, and preserve the purity of the elective franchise.

Managers to report all violations of law, &c.

IX. *Resolved*, That it shall be the special duty of the Managers to report to the Solicitors all violations of the election law, and all cases of bribery and corruption, and to use their best efforts to bring the offenders to justice.

No. 4074. AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-TWO.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the public treasury of this State for the use and service thereof, that is to say: forty cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to existing classification heretofore established; one-half per cent per acre on all lands lying within the Catawba Indian boundary, to be paid by each grantee or lessee of said Indian lands, until otherwise directed by law; sixty cents per head on all slaves; two dollars on each free negro, mulatto and mustizoe between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collectors, to be incapable, from maims or otherwise, of procuring a livelihood;

Tax on lands.

Slaves and free negroes.

twenty five cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; sixty cents per hundred dollars on factorage, employments, faculties and professions, (whether in the profession of the law, the profits be derived from costs of suit, fees or other sources of professional income,) and on the amount of commission received by Vendue Masters and Commission Merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted;) ten cents upon every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all the articles of trade, for sale, barter or exchange, deducting therefrom the stock in trade on the first day of January, 1852, (the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall have made from the first day of January of the present year to the first day of January in the year of our Lord one thousand eight hundred and fifty-three, either on his, her or their capital or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; ten cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any kind whatsoever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.

II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located.

III. In making assessments for taxes on the value of taxable property used in manufacturing, or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

IV. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are, required and enjoined, to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rate per centum on the amounts of the State tax collected for said District and Parish police purposes, and the Comptroller General shall return the same in his report.

A. D. 1852.

~~~~~  
Lots and
buildings.
Factories and
professions.

Merchandise.

Public exhibi-
tions.

Payment

Manufactures
and railroads.Returns of
Tax Collectors.Comptroller
to report.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1852.
 No. 4075.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-TWO.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State government, that is to say :

Executive
Department.

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars ; for the Private Secretary of the Governor, five hundred dollars ; for the Messenger of the Governor, two hundred and fifty dollars ; for contingent fund of the Executive Department, seven thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature ; for the rent of the Governor's house, in Columbia, three hundred dollars.

Legislative
Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature and its investigating Committees, and the Attorney General and Solicitors, during the present session, twenty-one thousand dollars, if so much be necessary ; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature ; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature ; for the salary of the Keeper of the State House and Librarian, seven hundred dollars ; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session ; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, two hundred dollars ; for the Printers to the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, nine thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division ; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary : *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division, at Columbia, before the twentieth day of February next ; and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurer aforesaid : *And further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present

session, within three weeks after the adjournment of the Legislature; for Benjamin Hart, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, expenses for the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, five hundred dollars; for repairs of the State House and grounds, under the Committees of both Houses, five hundred dollars, if so much be necessary; to defray the expenses of the extra session of the Legislature, convened under the proclamation of his Excellency the Governor, on the first day of November, in the present year, five thousand dollars, if so much be necessary.

A. D. 1852.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of ten Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said Court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for firewood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same Court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include expense of fuel; for firewood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Courts of Appeals, shall be paid by the Treasurer only upon warrants to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

Judiciary
Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and

Treasury
Department.

A. D. 1852.

for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk's hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

South Carolina College.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for the expenses of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House; for building a new Chapel for said College, fifteen thousand dollars, to be expended by the Trustees of the said College.

Ordinary civil expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-five thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, fifteen thousand dollars, if so much be necessary; for the Commissioner to be appointed by the Governor to superintend the Public Works, one hundred and fifty dollars; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, ten thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary; to be distributed among the several Districts in the State, according to the ratio now fixed by law; for the education of the Deaf and Dumb, and of the Blind, five thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding Taxes, as directed by the reports of the Committee of Ways and Means, and of Finance, and agreed to by the Legislature, two hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other Committees, three thousand one hundred and twenty-five dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

Military expenses.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper at Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard at Charleston, five hundred dollars;

and for the support of the Arsenal and Military School at Charleston, sixteen thousand dollars, if so much be necessary; for the support of the Arsenal and Military School, at Columbia, eight thousand dollars, if so much be necessary; and the Arsenal School at Columbia, and Citadel School, at Charleston, shall be under the direction of the Board of Visitors of the said school, so that their support shall not exceed the appropriations respectively; for the Military Accounts, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies throughout the State, fourteen hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the ensuing year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions for civil offices, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for additional appropriation for the support of Military Academies at Charleston and Columbia, three thousand dollars.

A. D. 1852.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor of Charleston, four thousand five hundred dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, five hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry on Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Ordinary local expenditures.

IX. FOR PUBLIC BUILDINGS.—For a court house and jail at Abbeville, thirteen thousand dollars; for improving the court house at Orangeburg, three thousand five hundred dollars; for a Portico to the court house for Pickens District, two thousand dollars; for remodeling the court house for Anderson District, two thousand five hundred dollars; for additional appropriations for building court house of Marion District, two thousand five hundred dollars; for purchasing a lot for jail and building a jail for Newberry District, ten thousand dollars; for purchasing a court house lot for Chester District, two thousand eight hundred dollars, to be drawn and expended under the direction of the respective Boards of Commissioners of Public Buildings of those Districts; for the new jail for Edgefield District, five thousand dollars, to be drawn and expended by the Commissioners of Public Buildings for that District.

Public buildings.

X. For the support of the Catawba Indians, fifteen hundred dol-

Catawba Indians.

A. D. 1852.
 Clerk of the
 House.
 Lunatic Asy-
 lum.
 Fire proof
 building.
 Extraordinary
 expenses.

lars, to be paid to the order of the Indian Agent; for extra services of Assistant Clerk of the House of Representatives, at the present session, in addition to the usual compensation, one hundred dollars; for the erection of a building or buildings on the lands of the Lunatic Asylum, upon its eastern side, and for the enlargement of the grounds of the said Asylum, the sum of thirty thousand dollars; for the erection of the Fire Proof Building, at Columbia, fifty thousand dollars, to be subject to the orders of the Commissioners appointed to take charge of the said Fire Proof Building.

XI. FOR EXTRAORDINARY EXPENSES.—For the building of a hall for the exhibitions of the South Carolina Institute, the sum of ten thousand dollars, to be paid as follows; five thousand dollars when the contract is made and the building commenced, and the balance of five thousand dollars when the Governor certifies that the building has been completed and made ready for the purpose for which it is to be erected: *Provided, however,* That the sum of ten thousand dollars be raised by the Institute for the same purpose from other sources: *And provided, also,* That in the event of the dissolution of the corporation, or the forfeiture of its charter, the State shall have a lien upon the hall proposed to be erected, to the extent of the present appropriation; for office rent of L. J. Jones, Commissioner in Equity of Newberry District, one hundred and twenty-five dollars; for office rent of James Bonds, Sheriff of Newberry District, one hundred and eighty-three dollars and thirty-three cents; for office rent of Burr J. Ramage, Clerk of the Court of Newberry District, one hundred and fifty dollars; for office rent of E. P. Lake, Ordinary of Newberry District, ninety-seven dollars and fifty cents.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4076. AN ACT TO AMEND THE CHARTER OF THE WILMINGTON AND MANCHESTER RAILROAD COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Wilmington and Manchester Railroad Company be so altered and amended as to authorize the said company to build a road, or to extend their present road to some point on the Columbia branch of the South Carolina Railroad, but not to touch the said Columbia branch, without the consent of the South Carolina Railroad Company.

II. That the said company, as to the said portion of road so to be built or extended, as authorized in the first Section of this Act, have the same rights, privileges and immunities as they now have under

their charter, granted by an Act of the General Assembly of this State, and ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six, and that the portion so made or extended, of said road, be a part and parcel of the said Wilmington and Manchester Railroad, under the same terms and rights as are now owned by virtue of said charter, by the said Wilmington and Manchester Railroad Company.

A. D. 1852.

Same terms and rights.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER THE SITTINGS OF THE COURTS OF LAW ON THE NORTHERN CIRCUIT. No. 4077.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter the Courts of Common Pleas and General Sessions for the several Districts within the Northern Circuit, hereafter shall be held at the times following instead of the times now provided by law, that is to say: For the District of Union, on the first Monday in March and October in every year, to sit one week at each term; for the District of York, on the second Monday in March and October in each and every year, to sit one week at each term; for the District of Lancaster, on the third Monday in March and October in every year, to sit one week at each term; for the District of Chester, on the fourth Monday in March and October in every year, to sit one week at each term; for the District of Fairfield, on the first Monday after the fourth Monday in March and October in every year, to sit one week at each term.

Courts of Common Pleas and General Sessions.

II. That all the writs and process which shall have been made returnable to the Courts of any of the said Districts at the times heretofore provided by law, shall, respectively, be legal and valid, to all intents and purposes, for the Courts next to be held in the said Districts respectively, according to the provisions of this Act; and that all persons who have been summoned or may hereafter be summoned to attend the Courts of any of the said Districts as jurors or witnesses, or who now are or shall hereafter be bound in recognizance to appear at any of the said Courts at the times now provided by law, shall be and are hereby required to attend and appear at the Courts of the said Districts respectively, next to be held according to the provisions of this Act.

Writs and process returnable.

Jurors and witnesses.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1852.

No. 4078. AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES,
AND TO RENEW AND AMEND CERTAIN CHARTERS HERETO-
FORE GRANTED.

Time of elec-
tion in Spar-
tanburg.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the town of Spartanburg be, and the same is hereby, so amended as to change the time for holding the election for Intendant and Wardens in said town, from the first Monday in September to the second Monday in September, and the said elections shall hereafter be held annually on the second Monday in September, and that the Intendant and Wardens now in office do retain and hold their said offices until the second Monday in September, in the year of our Lord one thousand eight hundred and fifty-three.

Slaves and
free persons.

II. That the Intendant and Wardens of the said town of Spartanburg shall hereafter have power to make and ordain all such by-laws and ordinances as they may deem needful and proper for the good government of all slaves and free persons of color within the limits of the said town.

Frog Level;
power to make
laws.

III. That the Intendant and Wardens of the village of Frog Level, from and after the passing of this Act, shall have power to make all by-laws and ordinances for the peace, health, order and good government of the same, and to impose fines and penalties for the breach and non-observance thereof, not inconsistent with the laws of the land: *Provided*, Such fines and penalties shall in no case exceed the sum of twenty dollars for any one offence against the same; and the said Intendant and Wardens shall also have the exclusive power to grant licenses for the sale of spirituous liquors within the said village, according to the laws of this State: *Provided*, That the sums of money paid for the said licenses shall in all cases be paid over by the said Intendant and Wardens to the Commissioners of Roads for Newberry District.

Penalties.

To be paid to
Com. of Roads.

IV. That from and after the passage of this Act all persons, citizens of this State, or of the United States, now owning or occupying dwelling houses, or residing in the village of Adams' Run, during the season that persons resort thither for health, shall be deemed, and are hereby declared, to be a body politic and corporate by the name of the village of Adamia, the limits and bounds of the said village to be one mile square, to be marked and designated by the Intendant and Wardens of the said village; and shall be governed by an Intendant and four Wardens, to be elected by the free white male corporators of the said village of the age of twenty-one years, on the first Monday of June, in the year of our Lord one thousand eight hundred and fifty-three, and on the same day in each year thereafter; the Managers to hold the said election to be three in number, and to be nominated in the first instance by the Delegates for the Parish of St. Paul's, and annually thereafter by the Intendant and Wardens; and the said Intendant and Wardens shall have power to make by-laws and ordinances for the good government of the said village, and for the preservation of the health of the same,

Adams' Run.

Election to be
held.

Powers of
Intendant and
Wardens.

and to impose fines and penalties for the breach or unobservance thereof, not exceeding twenty dollars for any one offense; and the said Intendant and Wardens shall be severally vested with all the powers of Magistrates within the corporate limits of the said village, except for the trial of small and mean causes; and the said Intendant and Wardens shall have power to appoint Constables, who shall have all the powers and privileges, and be subject to all the duties and regulations now imposed by law, within the limits of the said village; and the said Intendant and Wardens shall also have power to abate and remove nuisances within the limits of the said village.

V. That this Act be taken and deemed a public Act.

VI. That the charter of the village of Laurensville heretofore passed, be, and is hereby, continued of force for the term of twenty-one years, and that the Intendant and Wardens of the said village shall be authorized to levy and collect an annual tax on all lots, lands and buildings within the corporate limits of said village, not exceeding twelve and a half cents *ad valorem* on every hundred dollars of the value thereof, and an annual tax on all other property, free persons of color, employments, faculties and professions, not exceeding in any one year twenty per cent. on the State tax of the preceding year: *Provided*, That no lands or slaves employed exclusively for agricultural purposes shall be subject to taxation. And the said Intendant and Wardens shall also have power to impose and collect an annual tax on all pleasure carriages, barouches, omnibuses, drays, carts and wagons used for hire or public employment in said village, not exceeding one dollar in any one year.

VII. That all free white persons, citizens of the United States, who have resided six months in the town of Williamston, shall be deemed and are hereby declared to be a body politic and corporate, and the said town shall be known and called by the name of Williamston, and its corporate limits shall extend one mile in every direction from the railroad depot about to be established in the said town, and the said corporation is hereby invested with all the powers and privileges, and subject to all the restrictions as are conferred on the corporation of the village of Anderson by the Act of the General Assembly heretofore passed incorporating said village, and that the charter of the said town of Williamston be continued for the term of twenty-one years.

VIII. That S. C. Ford, S. T. Gaillard, J. Rees Ford, John P. Ford, J. R. Sparkman, George T. Ford, and all others who now or hereafter may own any lot or lots in the summer settlement in the District of Georgetown, generally known as Plantersville, within the space of one mile square, the precise boundaries thereof to be fixed and distinctly marked by the said persons hereby incorporated, be, and they are hereby, declared a body politic and corporate, by the name and style of the Plantersville Society, and by the said name may sue and be sued in any court of law or equity in this State; and the said society shall have power to make and use a common seal, and the same to alter at pleasure, and also to make by-laws for the good management of their affairs, and the preservation of the health of Plantersville, within the limits aforesaid, and fines and penalties for the breach and non-observance thereof to impose

A. D. 1852.

Public Act.

Charter of
Laurensville
renewed.

Taxing powers.

Town of Wil-
liamston.

Extent of
limits.

Powers.

Plantersville
Society.

To use a seal.

To lay fines.

A. D. 1852. and recover against the members of the said society, not exceeding twenty dollars for any one offense.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4079. AN ACT TO EXTEND THE CHARTER OF THE BANK OF THE STATE OF SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the expiration of the present charter of the Bank of the State of South Carolina, the same shall be, and is hereby, extended until the first day of January, which shall be in the year of our Lord one thousand eight hundred and seventy-one.

Not to subscribe to banks or railroads.

II. That the said bank shall not have authority at any time to make any subscription to the capital stock of any railroad or other work of internal improvement within or without the limits of this State, unless by the permission of the Legislature.

Fifth Section repealed.

III. That the fifth Section of an Act, entitled "An Act to establish a bank, on behalf of and for the benefit of the State," be, and the same is hereby, repealed.

Not to pay out bills of other banks.

IV. It shall not be lawful for said bank, except in settlements with other banks, to pay, or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check or other paper of any other bank.

Sinking Fund. Profits, how disposed of.

V. That it shall be the duty of the President and Directors of the said bank, whenever any part of the funded debt of the State, (except the three per cent. stock,) can be purchased at or under par, to purchase the same on account of the sinking fund; and hereafter the profits of the bank, as they are annually ascertained and carried to the credit of the sinking fund, shall be disposed of in the following manner, that is to say: They shall be invested in the purchase of the funded debt of the State, (except the three per cent. stock :) *Provided*, The same can be obtained at or under par. And in case the said profits, or any part thereof, cannot be invested as aforesaid, within six months after having been ascertained and carried to the credit of the sinking fund, then it shall be the duty of the President and Directors of the bank to invest the same in the purchase of the three per cent. stock of the State: *Provided*, The same can be obtained at a rate not exceeding sixty-four per cent., or in bonds, notes or other obligations, made payable not more than six months after date, and secured by pledge of three per cent. stock of the State, at a rate not exceeding sixty-four per cent., or other funded debt of the State, not above par, or other good and safe stocks readily convertible into cash, which shall be taken at a rate not exceeding ninety

Proviso.

per cent. of their par value; and also not exceeding ninety per cent. of the current price at which they are saleable at the time of taking such pledge. And it shall also be the duty of the said President and Directors to cause the account of the sinking fund to be kept in such manner as to show at all times what particular bonds, notes, stocks and other securities belong to the said fund.

A. D. 1852.

No note under five dollars to be issued.

VI. That from and after the first day of July next any person or persons, corporation or body politic, who shall within this State, directly or indirectly, pay out, pass or put in circulation, or cause to be paid out, passed or put in circulation, any bank note, bill, certificate or acknowledgment of indebtedness whatsoever, purporting to be a bank note, or of the nature, character or appearance of a bank note, of a less amount or denomination than five dollars, issued or purporting to be issued, by any bank, or person or association of persons, in any other State, shall be subject to the payment of twenty dollars, to be recovered by action of debt at the suit of the State, and appropriated one-half to the informer, and the other to the maintenance and repair of the public buildings in the District where the action is brought.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXEMPT THE SURVIVING OFFICERS AND MEMBERS OF THE PALMETTO REGIMENT FROM ORDINARY MILITIA DUTY. No. 4080.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the surviving officers and members of the Palmetto Regiment be, and they are hereby, declared to be exempt from the performance of ordinary militia duty.

Palmetto
Regiment.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW THE CHARTERS OF OTHERS HERETOFORE GRANTED. No. 4081.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1852.

Religions and
other societies
incorporated.

same, That all free white persons who now are or hereafter may become members of the following religious Societies, to wit: The Spartanburg Baptist Church, at Spartanburg Court House; the Buck Creek Baptist Church, in Spartanburg District; the Friendship Baptist Church, Spartanburg District; the Pleasant Grove Baptist Church, Edgefield District; the Shady Grove Baptist Church, of Anderson District; the Baptist Church of Columbia, South Carolina; the Head Spring Church of the faith of the Associate Reformed Church of the South; the Cannon's Creek Church of the faith of the Associate Reformed Church of the South; Prosperity Church of the faith of the Associate Reformed Church of the South; the Protestant Episcopal Church of St. Luke's, Newberry; Zion's Evangelical Lutheran Church, in Charleston, be, and the same are hereby, declared and constituted bodies politic and corporate by the name and style to each hereinbefore respectively assigned.

Church Home.

II. That Cranmore Wallace, Paul T. Keith, William Dehon, William B. W. Howe, J. W. Simmons, Christian Hanckel, Daniel E. Huger, Edward Frost, William Aiken, J. M. Campbell, Edward B. White, Charles D. Carr, William Patton and Jacob K. Sass, at present members of the Council of the Church Home, an institution connected with the Protestant Episcopal Church in this State for the support of destitute females and orphan girls, and their successors in office, be, and the same are hereby, declared and constituted a body politic and corporate by the name of the Church Home.

Rights and
privileges.

III. That the said churches, societies and associations shall have successors of trustees, vestry and wardens, officers and members, according to their respective by-laws, and shall have power respectively to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any Court of this State, and to have and enjoy every right, power and privilege incident to such incorporations, and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed, or devised to them respectively, or in any manner acquired by them; and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of twenty thousand dollars, except the Church Home, which may hold property to the amount of two hundred thousand dollars.

The New-
berry Ceme-
tery Associa-
tion.

IV. That the Hon. John B. O'Neall, the Hon. Job Johnston, Dr. Pressly B. Ruff, Simeon Fair, Francis B. Higgins, Robert Stewart, Edward Y. McMorris, William H. Harrington, Silas Johnston, Robert B. Holmon, William W. McMorris and Gen. James H. Williams, and their successors, be, and they are hereby, created and declared a body corporate and politic, by the name and style of the Newberry Cemetery Association, for preservation, regulation and improvement of the burial grounds in the vicinity of the village of Newberry, consisting of a lot of one acre, more or less, dedicated by George McCreliss for the purpose of sepulture, and a lot of two acres, more or less, contiguous to the above, conveyed by John Caldwell to the Town Council of Newberry, for the same pur-

pose; and that the said Newberry Cemetery Association have all powers necessary for the preservation, regulation and improvement of the said grounds for the purposes aforesaid, and all other powers, privileges and immunities of bodies corporate and politic forever, with the power of supplying any vacancies in their own body, occasioned by the death, resignation or removal from office, or from the State, of any of their members; and with the privilege of owning property, real, personal or mixed, of the value, at the time of acquisition, of twenty thousand dollars: *Provided, always,* That no part of the grounds aforesaid, dedicated or conveyed by the said George McCreliss and John Caldwell, shall, on any pretence, be made subject or liable for the debts of the said corporation, and they are hereby declared forever and entirely exempt from liability therefor. And the Town Council of Newberry be, and they are hereby, authorized and empowered to convey to the said corporation the said grounds, dedicated and conveyed as aforesaid by the said George McCreliss and John Caldwell for the purposes aforesaid.

A. D. 1852.

V. That the charters of the Episcopal Church of All Saints, the All Saints Academy, the Abbeville School Association, be, and the same are hereby, renewed, with all the rights, powers and privileges heretofore granted to them respectively; and that all the acts done by the Abbeville School Association, in accordance with their said charter, since the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty, when the same expired by its own limitation, be, and the same are hereby, declared to be legal and valid.

Charters renewed.

VI. That this Act is hereby declared to be a public Act.

Public Act.

VII. That D. S. Henderson, E. J. Webb, Samuel Sampson, B. P. Fishburne, Burrell Sanders, Joel Larisey and W. C. P. Bellinger, be appointed Trustees of the Walterborough Academy, with all the rights, privileges and immunities to said Academy heretofore belonging.

Trustees of
Walterboro'
Academy.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CAROLINA MUTUAL INSURANCE COMPANY OF CHARLESTON. No. 4082.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who shall become members in the manner hereinafter prescribed, shall thereupon become, and they and their successors shall be one body politic and corporate, under the name, style and title of the Carolina Mutual Insurance Company of Charleston.

A. D. 1852.

Members.

One hundred
required.

II. That every person insured in this Company shall be deemed a member thereof, and shall continue a member thereof during the continuance of such insurance.

III. That as soon as one hundred persons shall subscribe their names to an agreement to become insured by the said company the same shall go into operation; but if, at any time thereafter, the members amount to less than one hundred, the said company shall immediately cease and determine.

Powers and
privileges.

IV. That the said company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises incident to a corporation, and shall be capable of taking, holding and disposing of their capital stock, according to such rules, regulations and institutions as they may from time to time establish; and also of taking, holding and disposing of, or investing, as the said corporation shall from time to time judge fit, the increase, profit, or emoluments of their said capital stock to their own use, and shall have full power and authority to make, have and use a common seal, and with such device and inscription as they shall deem proper, and the same to break, alter and renew at their pleasure; and by the name, title and style aforesaid, shall be able and capable at law or in equity to sue and be sued, implead and be impleaded, answer and be answered unto, in all or any of the Courts or tribunals of this State, in all manner of suits, pleas and demands whatsoever; and they are hereby authorized and empowered to appoint a Board of Directory, to consist of a President, a Secretary, a Treasurer and six Directors, at such periods and with such duties as they shall see fit; and also to make rules, by-laws and ordinances, and do everything needful for the good government and support of the affairs of the said corporation, and for restoring their capital when diminished by losses: *Provided, always,* That the said rules, by-laws and ordinances shall not be repugnant to the Constitution and laws of the United States, or of this State.

Proviso.

V. That the said corporation shall have a right and power to purchase, acquire, take and hold, in the said corporate name, lands and real estate, and the same to demise, grant, sell, lease, assign and convey in fee simple or otherwise: *Provided,* The clear yearly income of the real estate so to be held shall not at any time exceed ten thousand dollars.

Business pow-
ers.

VI. That the said corporation shall, by their said name and by the signature of their President, for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity as they shall from time to time, and by their rules and by-laws, ordain and appoint, have a right to make contracts and underwrite policies of insurance and indemnity upon marine risks, whether of vessels or goods and merchandise, in whole or in part, foreign and domestic, whether lying in foreign ports or shipped upon the high seas, or in any ports of the United States, or within any of the rivers, bays, creeks, canals or waters of this State, lying or being laden; and, also, in like manner, to make contracts and underwrite policies of insurance and indemnity against fire, on all buildings, goods, wares, merchandise and other property liable to destruction or accident by or from fire, or the effects thereof, situate, lying, being or deposited in this State, or elsewhere; to lend or advance money

upon bottomry or respondentia, to make insurance on lives, to grant and purchase annuities, to lend money on the security of real and personal property, or either, or on bonds, bills or promissory notes, to make any other contingent contract involving the duration of life, and generally to transact and perform all the business relating to the objects aforesaid, according to the usage and custom of merchants, and by such contracts effectually to bind and pledge their said members, each according to his rate of insurance and amount insured, according to their rules and regulations established and subscribed.

A. D. 1852.

VII. That in case any accident occurs, and the damage has been ascertained, it shall and may be lawful to and for the said Board of Directors, if they shall deem the same necessary, to assess all the members according to the amount and rates of their insurance; one month's notice shall be publicly given in some newspaper, published within the State, of the said assessment, within which period the same shall be paid to the Treasurer; and if the assessment of any member be not paid within the period fixed as aforesaid, the said company may recover from such defaulting member the amount of his or her assessment, with interest thereon from the date of such assessment.

Authority to assess members.

VIII. That in all elections in the said company each member thereof shall be entitled to one vote, and all elections shall be conducted by ballot.

Votes.

IX. That this Act shall be deemed a public Act, and be in force for twenty-one years.

Term of the charter.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO APPROPRIATE THE SUM OF THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE ERECTION OF A SUITABLE BUILDING FOR THE EDUCATION OF THE DEAF AND DUMB OF THIS STATE, AT CEDAR SPRINGS, IN SPARTANBURG DISTRICT. No. 4083.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of three thousand five hundred dollars be, and the same is hereby, loaned and appropriated out of any money in the Treasury for the erection of a suitable building or buildings at Cedar Springs, in Spartanburg District, for the education of the deaf and dumb of this State, to be drawn and applied by N. Pinckney Walker, the principal of the Deaf and Dumb Asylum aforesaid, as hereinafter provided.

Three thousand five hundred dollars appropriated.

A. D. 1852.

When to be
paid.

II. That as soon as the said N. Pinckney Walker shall have given bond to the State of South Carolina for the aforesaid sum of three thousand five hundred dollars, payable at the end of ten years, without interest, and shall have secured the payment of the same by the mortgage of real and personal property of the value of five thousand dollars, to be approved of and assessed by Robert White, Simpson Bobo and James W. Cooper, who are hereby appointed Commissioners in behalf of the State for that purpose; and the said mortgage shall have been duly authenticated and recorded, and the form and execution of the said bond and mortgage shall have been approved by the Attorney General, or one of the Circuit Solicitors, and deposited in the office of the Treasurer of the Upper Division, then the said Treasurer shall be, and he is hereby, authorized and required to pay to the said N. Pinckney Walker, upon his draft, the aforesaid sum of three thousand five hundred dollars, to be applied by him to the erection of such building or buildings as he may deem necessary and proper for the purpose aforesaid.

Mortgage.

III. That the acceptance of the said sum of money, upon the terms herein set forth, by the said N. Pinckney Walker, shall operate, *ipso facto*, as a mortgage of the building or buildings to be erected, and the premises upon which they may be situated, to the State of South Carolina; and it shall not be lawful for the said N. Pinckney Walker to appropriate the said sum of money, or any part thereof, to any other purpose whatever than to the erection of the building or buildings aforesaid; and upon information being made to the Attorney General, or any one of the Solicitors, that he has otherwise appropriated the same or any part thereof, it shall be the duty of such Attorney General or Solicitor to institute proceedings forthwith upon the bond of the said N. Pinckney Walker, upon which, judgment and execution may be awarded by any of the courts of this State, without regard to the time the said bond may have to run.

Penalty.

IV. That if the said N. Pinckney Walker shall, at any time within said term of ten years, neglect or refuse to carry on, keep and conduct the said school for the education of the deaf and dumb, or to cause to be properly carried on, kept and conducted, the said institution, at the same rates of tuition now fixed, or that hereafter may be fixed by the State for the beneficiaries of said school, the said sum of money hereinbefore authorized to be loaned shall thereupon become due to the State, and it shall be the duty of any one of the Solicitors of this State, upon being informed of such failure on the part of said N. Pinckney Walker, to institute proceedings in any Court having jurisdiction for the collection of the same.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PREVENT OBSTRUCTIONS TO THE PASSAGE OF FISH UP LYNCH'S CREEK.

A. D. 1852.

No. 4084.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person or persons who now have or hereafter may erect any oblique or other stationary hedge or hedges, or other temporary or permanent obstruction of any name or kind whatsoever, to the free passage of fish up Lynch's Creek, otherwise, near its mouth, called Clark's Creek, from its junction with the Great Pee Dee River, or who shall run two seines at one time, at or near the same place, or who shall erect or run a single seine of such length or in such oblique direction as to prevent the free passage of fish as aforesaid, or who shall open a new channel or channels for the said creek, and erect any such obstructions in or across the channel or channels thus opened, although a passage of fifteen feet may apparently be left unobstructed, all such person or persons shall be subject to indictment in the Court of Sessions, and, upon conviction, shall be punished by fine or imprisonment, or both, not exceeding five hundred dollars' fine and six months' imprisonment.

Obstructions.

Penalty.

II. That all owners or occupiers of lands situated upon the said Creek, who shall wilfully and knowingly permit or suffer the erection of any such obstruction as aforesaid to the free passage of fish up said creek, such owner or owners shall be subject to indictment and punishment upon conviction as those who shall be convicted of erecting, maintaining or using the said obstructions.

III. That one-half of all fines imposed by virtue of this Act shall go to the informer, (who shall be a competent witness to prove the offense,) and the other half to the Commissioners of Public Buildings of the District in which the conviction shall be had.

Fines, how disposed of.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE JOHNSON FEMALE UNIVERSITY.

No. 4085.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Elias Earle, G. P. Reed, Daniel Brown, O. R. Broyles, P. S. Vandiver, Fleetwood Rice, J. C. Griffin, Stephen McCully, V. D. Fant, Elias John Earle, Amaziah Rice, John B. Sloan, B. F. Mauldin, William S. Grisham, Thomas P. Brochman, Oliver E. Edwards, John Belton O'Neill, William A. Owens, B. C. Pressley, Iverson L. Brooks, J. R. Kindrich, J. P. Boyce, Stanmore B. Brooks, John Brownlee, David S. Taylor, Warren Drummond, James Latimer, Toliver Robinson, L. C. Hinton, A. Hardin and

Trustees.

A. D. 1852.

Thomas Ray, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of the Trustees of Johnson Female University, a seminary of learning for females, situated in the town of Anderson, in the State of South Carolina.

Powers and
privileges.

II. That the said Trustees shall, by their corporate name and style aforesaid, have perpetual succession of officers and members, and shall be capable and liable in law and equity to sue and be sued, plead and be impleaded in any Court of law or equity in this State, to use a common seal, and the same to change at will, and to make such by-laws and rules for the regulation and government of themselves and the said University as they may deem necessary: *Provided*, Such by-laws, rules and regulations be not repugnant to the Constitution and laws of this State, or of the United States.

III. That the said Board of Trustees are and shall be authorized to appoint such officers as they may think proper for the organization and government of their own body, and also all the officers, professors, tutors, and instructors of and in said University, and to remove the same at pleasure, and to exercise such general control and supervision over the officers, instructors, affairs and government of said University as they may deem advisable.

Scholarships.

IV. That the said Board of Trustees, in order to raise a competent endowment therefor, shall have power and authority to sell and dispose of scholarships in said University, for such time and upon such terms as they may deem proper, and to issue certificates for the same under their corporate seal, and to confer and award all such distinctions, honors, licenses and degrees as are usually conferred and awarded in the female colleges and universities of the United States.

Degrees.

To hold pro-
perty.

V. That the said Trustees and their successors shall have and hold all the estate, property and funds now belonging to the said University, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed and devised, or given to said University, in trust, nevertheless, for the use and benefit of said University.

Limit of char-
ter.

VI. This Act shall be deemed and taken to be a public Act and continue in force for the term of twenty-one years.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4086. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE COMMERCIAL INSURANCE COMPANY."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the Commercial Insurance Company, incorporated by Act of the General Assembly, on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, shall have power to make contracts and underwrite policies of assurance and indemnity upon marine risks, in the manner provided for in the seventh Section of said Act of incorporation upon vessels or goods and merchandise, lying or being, or laden upon or within any rivers, bays, creeks, canals or waters whatever and wheresoever, whether in this State or elsewhere.

A. D. 1852.

Amendment.

II. That said company shall have power to invest their surplus funds in any securities in which, by the provisions of the eighteenth Section of the said Act of incorporation, they are now authorized to invest the capital of said company; and whenever the surplus funds, invested as aforesaid, shall amount to the sum of fifty thousand dollars, the same shall be added to the capital stock of the said company, and certificates issued to the stockholders in proportion to the number of shares held by them respectively, of the par value of twenty-five dollars; and whenever thereafter the undivided surplus funds as aforesaid, with interest thereon, shall amount to the sum of fifty thousand dollars, the same shall, in like manner, be added to the capital stock aforesaid, and certificates of the same shall be again issued as hereinbefore provided for: *Provided*, That the capital stock of the said company shall at no time be increased to an amount beyond five hundred thousand dollars.

Surplus funds.

Proviso.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE STATE TO AID IN THE CONSTRUCTION OF THE PENDLETON RAILROAD. No. 4087.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory proof is produced to the Comptroller General that the sum of eighty-five thousand dollars is duly subscribed by responsible persons to the capital stock of the Pendleton Railroad Company, and that the said company has been duly organized, he is hereby authorized to subscribe on the part of the State, forty-two thousand five hundred dollars to the said capital of said company, to be paid in the stock held by the State in the South Carolina Railroad company, equal at its par value to the said sum; and that he take, in the name of the State, a certificate from the said company for that amount of stock, which said stock in the South Carolina Railroad Company shall be accepted by the said Pendleton Railroad Company for the said amount, without any recourse whatever against the State.

Forty-two thousand five hundred dollars appropriated.

A. D. 1852.

II. The subscription shall be paid in the manner and subject to the terms and conditions hereinafter expressed.

Subscriptions, when to be paid.

III. Whenever satisfactory proof shall be produced to the Comptroller General that the sum of twenty thousand dollars shall have been paid by the stockholders, and expended in the construction of said road, the Comptroller General shall transfer and deliver to said company so much of the stock of the State in the South Carolina Railroad Company as shall amount, at its par value, to twenty thousand dollars, and when similar proof shall be produced to the Comptroller General that twenty thousand dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver fifteen thousand dollars more of the said stock to said company, and in the same manner the remaining subscription of seven thousand five hundred dollars shall be paid to the said company when the road shall be finished and in operation.

The State not liable for debts.

IV. The State shall in no way whatever be liable for the debts and contracts of the said railroad company.

Annual report to be made to Legislature.

V. The State shall have the same right in the Company and in its management as is reserved to private stockholders, and the General Assembly shall, at any time, have a right to examine into the condition of the said company, and the company shall, annually, submit to the Legislature a report exhibiting its condition and prospects.

Rail and plank roads to cross.

VI. That it shall not be lawful for any company to prevent any rail or plank road company from crossing its main track or any branch thereof, but said crossing shall be regulated between said companies on such terms and conditions as shall be reciprocally convenient to them, and at the same time conducive to the interest of the public.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4088. AN ACT TO INCORPORATE THE FIREMAN'S INSURANCE COMPANY, OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons and bodies corporate who shall become stockholders in the manner hereinafter prescribed, and their successors, shall be a body politic and corporate, under the name, style, and title of the Fireman's Insurance Company, of Charleston.

II. The capital stock of said company shall be two hundred thousand dollars, to be divided into twenty thousand shares, of ten dollars each, and shall be raised in the following manner: The following persons are appointed Commissioners to receive subscriptions

to the capital stock, to wit: William Adger, Samuel Y. Tupper, R. Dewar Bacot, William C. Dagget, D. F. Armstrong, S. H. Kalb, J. S. Runken, William Wright, W. P. P. Patterson, A. F. W. Abrams, James Gilliland, S. H. Oppenheim, R. M. Butler. The said Commissioners, or a majority of them, shall open books at Charleston, on the first Monday in February next, and receive subscriptions to the said stock: *Provided*, The said Commissioners shall have given at least ten days' notice, by advertisement in two daily gazettes in the city of Charleston, of the time and place of receiving the subscriptions, and shall require a payment of two dollars on each share to be made at the time of subscription therefor.

III. The subscribers paying their subscription money respectively, shall form the company, upon complying with the conditions and subject to the provisions hereinafter set forth.

IV. The Fireman's Charitable Association and each fire company of the city of Charleston, which is now, or hereafter may be, incorporated, shall be entitled to subscribe to, purchase and hold said stock in its own corporate name. The corporation of the city of Charleston shall have the privilege of subscribing for any number of shares not exceeding two thousand, if their subscription be made within twelve months of the first opening of the books.

V. No body politic or corporate, other than those named in the fourth Section of this Act, and the said insurance company itself, and no person other than a member of some fire company of Charleston, now or hereafter incorporated, the widows and orphans of the members of such fire companies (under certain conditions hereinafter expressed) and the managers and assistant managers of fire engines under the control of the city of Charleston, shall be entitled to subscribe to, purchase, take or hold any share or shares, or any part of the capital stock of said insurance company, save only and except where purchases may be made at sales under an order of Court, or of insolvent estates, in which cases any purchasers at such sales may take and hold any shares purchased at such sales. If any individual stockholder shall cease to be a member of a fire company he shall, within sixty days after, dispose of his stock to some person or body corporate, competent to take under this charter; in default of his so doing, the Directors of said insurance company, after ten days' notice in some one of the daily papers published in Charleston, shall sell the shares at public auction, transfer the stock to the purchaser, and pay over the nett proceeds to the former stockholders. In case of the death of any individual stockholder, it shall be the duty of his executor or administrator, within two years after the grant of letters testamentary or of administration, to dispose of the said stock to some person or body corporate competent to take under this charter; and in default of so doing, the Directors of the said insurance company, after ten days' notice in some one daily paper published in Charleston, shall sell the shares at public auction, transfer the stock to the purchaser, and pay over the nett proceeds to the said executor or administrator. All sales so made by the Director shall be only to persons or bodies corporate competent to take and hold such stock under this charter. But if any stockholder shall, at his death, leave surviving him a widow, she shall, so long as she may remain a widow, be entitled to

A. D. 1852.

Commissioners.

Proviso.

Conditions.

Corporation of Charleston may subscribe.

Restrictions.

Sale of stock.

A. D. 1852.

hold such stock as may be allotted her by devise or distribution of the estate. Should any stockholder leave a child or children, grand-child or grand-children, the child or children of a deceased child surviving him, such child or children, grand child or grand-children, shall be entitled to hold such stock as may be allotted by devise or distribution of the estate, the male children until they are of the age of twenty-one years, and the female until they are of the age of twenty-one years, and further until they marry. Where the widow and children are entitled to hold stock under this Section they shall, in all cases, have six months to dispose of their stock after their privileges shall cease as above provided, and if they do not within that time dispose of such stock, the Directors of the company shall proceed to sell the stock as provided for in other cases.

Subscriptions
to stock.

VI. If at the opening of the books more than twenty thousand shares shall be subscribed, the Commissioners shall distribute the twenty thousand shares of which the capital stock is to consist among the subscribers as nearly as may be, in proportion to the number of shares subscribed for by them respectively, but subscriptions of twenty shares or less shall not be reduced unless the whole number of shares subscribed for cannot otherwise be reduced to twenty thousand.

VII. In case the number of shares subscribed shall be less than twenty thousand the Commissioners shall receive further subscriptions to make up that number at any time within one year after the first opening of the books.

Powers and
privileges.

VIII. The said company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises incident to a corporation, and shall be capable of taking, holding and disposing of their capital stock according to such rules and regulations as they shall from time to time establish, and also of taking, holding, disposing of, or investing the increase profit or emolument of their said capital stock, and shall have full power and authority to have and use a common seal, and the same to alter and renew at their pleasure; and by the name and title aforementioned, shall be able and capable at law and in equity to sue and be sued, implead and be impleaded, answer and be answered unto in all manner of suits, pleas, demands and judicial proceedings whatsoever. And they are authorized and empowered to appoint a President, Directors, and other necessary officers, at such periods and with such duties as the said company shall see fit, and also to make rules and by-laws for the good government and management of the officers of the corporation: *Provided*, The said rules and by-laws shall not be repugnant to the Constitution and laws of this State and of the United States.

Officers.

To hold and
dispose of real
estate.

IX. The said corporation shall have right and power to acquire, purchase, take and hold, in its corporate name, lands and real estate, and the same to devise, grant, sell, assign, exchange and convey, in fee simple or otherwise: *Provided*, The clear yearly income of the real estate so to be held, shall not at any time exceed ten thousand dollars.

X. The said corporation, in their said name, and by the signature of their President for the time being, or by the signature of such

other person, and in such form and with such ceremonies of authentication as they may by their rules and by-laws direct, shall have a right to make contracts and underwrite policies of insurances and indemnity against fire on all buildings, goods, wares and merchandise, and other property liable to destruction or accident by or from fire, or the effects thereof, situate, lying, being, or deposited within the limits of the city of Charleston, and on all vessels of every description, and their cargoes, lying at the wharves or within the harbor of the city of Charleston, and to transact and perform all the business relating to such contracts or policies of insurance, as aforesaid, according to the usage and custom of merchants, and by such contracts effectually to bind and pledge their capital stock. Every member of any of the fire companies, entitled to hold stock in this company, shall be entitled to effect insurances at a discount of five per cent. less than other persons. The said company shall be authorized to lend money on the security of real and personal property, bonds, bills or promissory notes; but it shall not be lawful for the said company to lend money on the security of its own stock.

A. D. 1852.

Contracts and policies.

XI. In case of any loss whereby less than one-third of the capital stock of the said company shall be lost during the continuance of this charter, no dividend shall thereafter be made until the deficiency shall be made up by the stockholders or the company, or by the accumulation of the profits of its business.

Losses of stock to be made up.

XII. If the capital of the company shall be reduced by losses to less than two-thirds of the original capital stock the deficiency shall be made up by the stockholders in six months after such reduction shall occur, and in default thereof the affairs of the corporation shall be wound up, and they shall cease to do business.

XIII. If the affairs of the corporation are not wound up as directed in the preceding Section, and they proceed with business, then the President and Directors shall be jointly and severally liable to make good all engagements of the company entered into after the reduction of the capital; but nothing in this Section shall extend to any President or Director who shall dissent to the proceedings of the company in these particulars, and who shall enter his protest in the minutes of the Board, and publish the same in the daily gazettes of the city of Charleston, or who shall be absent from the State during the six months in which the deficiency of capital ought to have been made up.

Liability of officers.

XIV. The said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the affairs of the company, under such penalties as in and by the said rules and by-laws shall be limited and appointed, and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions and pleas, either at law or in equity, for the recovery of any sum or sums of money to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the corporation.

Authority.

XV. In all elections and other corporate acts done by the stockholders of the said company, every stockholder being the owner of five shares or less, shall have one vote; every stockholder being the

Votes.

A. D. 1852.

owner of more than five shares shall have one more vote for every five shares between five and fifty shares, and an additional vote for every ten shares he may own over fifty shares, but no stockholder shall be entitled to more than twenty votes.

Capital to be paid in to commence business.

XVI. One moiety of the capital of the company shall be paid in, and satisfactory proof thereof be furnished to the Comptroller General before the said company shall be authorized to commence business, and the residue of the capital shall be paid in at such times and in such manner as the company may appoint, provided the whole shall be paid in within one year after they shall have commenced business.

Books to be examined by order of the Legislature.

XVII. The books of the company shall be examined from time to time by such person or persons as the Legislature may for that purpose appoint, and the person so appointed shall have full power to compel the attendance of witnesses, and the production of books and papers, and to enquire into the management of the company. In case of abuse or violation of their charter, the said company may be proceeded against by *scire facias* in the Court of Common Pleas and General Sessions for Charleston District, and upon conviction shall be liable to have their charter annulled by the judgment of the Court.

Stock, how to be invested.

XVIII. At least half of the capital of the said company shall be permanently invested in stock of this State, or of the city of Charleston, or of the General Government, or in good stocks of incorporated companies within this State, or in bonds secured by mortgage of real estate within the State, and the company may transfer and sell such stocks, or any part thereof, or dispose of or collect the said bonds for the purpose of re-investment whenever a due regard to the safety of its funds may require: *Provided, however,* That the said company shall not deal or trade in buying and selling any goods, wares, merchandise, commodities or stocks whatsoever.

XIX. No dividend upon the capital of the company shall be declared exceeding twelve per cent.; any excess of profits above said per centage shall be carried to a surplus fund to meet losses and equalize dividends. In case the profits fall below the per centage above specified, the dividends may be increased to that rate from the surplus fund; the interest upon the investment of said surplus fund may however be at all times added to the dividend and distributed among the stockholders. All fractional parts of a dollar received by the company in payment of premiums of insurance shall be appropriated by them to the Fireman's Charitable Association of Charleston: *Provided,* Such amounts shall not exceed the sum of five hundred dollars per annum.

XX. This Act shall be deemed a public Act, and the charter hereby granted shall continue and be in force for twenty years, and no longer.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CHARTER THE LANCASTER RAILROAD COMPANY.

A. D. 1852.

No. 4089.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by railroad from the village of Lancaster to connect with the South Carolina Railroad at Camden, or the Charlotte and South Carolina Railroad at Chesterville, or at or near Ridgeway, in Fairfield District, or some other suitable point on said road, as may be agreed on by the stockholders, the formation of a corporate company is hereby authorized, to be called the Lancaster Railroad Company, which company, when formed in compliance with the conditions herein prescribed, shall have corporate existence as a body politic in this State.

II. That for the purpose of raising the capital stock of the said company, it shall be lawful to open books at Lancaster Court House under the direction of Dixon Barnes, Thomas K. Cureton, James H. Witherspoon, Thomas W. Huey, William McKenna, W. C. Cauthen, John Adams, W. A. Moore, H. R. Price and James Robinson; at Camden, under the direction of John Rosser, W. Thurlow Caston and Enoch Tryon; at Chester Court House, under the direction of John A. Bradley, Samuel McAliley and C. D. Melton; at Winnsboro', under the direction of Samuel G. Barkley, J. Z. Hammond and J. M. Rutland; at Columbia, under the direction of James V. Lyles, John Caldwell and John G. Bowman; at Charleston, under the direction of S. S. Farrar, James S. Chambers and Frederick E. Fraser; and at any other place or places in the States of South Carolina or North Carolina, under the direction of Commissioners, to be named and designated by a majority of the aforesaid Commissioners hereby appointed at Lancaster Court House, for the purpose of receiving subscriptions, to an amount not exceeding three hundred thousand dollars, in shares of fifty dollars each; to constitute a joint capital stock for the purpose of constructing and carrying into operation the railroad herein by this Act provided for; but if the capital stock of the company shall be found insufficient for the purposes for which said company is formed or incorporated, it shall and may be lawful for said company, at some general meeting, by a vote of the stockholders, from time to time, to increase the capital stock to an amount not exceeding four hundred thousand dollars, by the addition of as many shares as may be necessary for that purpose. That the times and places for receiving subscriptions shall be fixed by the Commissioners herein named at Lancaster Court House, or a majority of them, and shall be advertised for thirty days in one or more newspapers in this State, and in the State of North Carolina, and the books for receiving subscriptions shall be kept open for sixty days, at each of the places where the same shall be opened. That on each share of the stock subscribed for, the subscriber shall pay to the Commissioners who shall take the same, the sum of two dollars and fifty cents in specie or the notes of specie paying banks—the said Commissioners giving a receipt or certificate for the same, and on non-payment of said installment, the subscription shall be void, and at the expiration of the time hereby prescribed for keeping open the said books, the said

Books to be opened.

Notice to be given of opening books.

A. D. 1852.



Commissioners and others shall deposit the sums received by them on the said cash instalment, in some specie paying bank in this State, and shall make a return of the subscriptions taken by them, and the sums paid thereon, to the Commissioners hereby appointed at Lancaster Court House; and the said company is hereby authorized to construct a railroad from the village of Lancaster to connect with the South Carolina Railroad at Camden, or the Charlotte and South Carolina Railroad at Chesterville or at Ridgeway, or to such other point on said road, and by such route as may be designated and determined by a majority of the stockholders in general meeting: *Provided*, That in the event the route be determined by the stockholders shall run to any particular point herein designated, such persons who may have subscribed for stock in said company, to any route running to either one or both of the other points herein named, other than that which shall have been selected and determined as the route of the road, may, if they choose to do so, withdraw their subscriptions.

Proviso.

Duty of Commissioners.

III. It shall be the duty of the Commissioners, herein by this Act appointed, and others, for the opening of books of subscription for the capital stock of said company, at each of the places hereinbefore named, and to be designated by the Commissioners hereby appointed at Lancaster Court House, and at the times provided for by this Act, to open three sets of books; the one for subscriptions for the road by a route from the village of Lancaster to the town of Camden; the other set of books for subscriptions for the said road by a route from the village of Lancaster to Chesterville; the third set of books for subscriptions for the said road by a route from the village of Lancaster, passing near Liberty Hill, to connect with the Charlotte and South Carolina Railroad, at or near Ridgeway; and the route, or line of the road, shall be determined by the amount subscribed for each route, reference being had to the proportion which the probable cost of each route or line will bear to the amount subscribed for each route or line.

When to be considered as incorporated.

IV. That whenever the sum of one hundred and fifty thousand dollars shall be subscribed for, in manner herein prescribed, to either one or all of the routes herein designated, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name and style of the Lancaster Railroad Company, and may meet and organize the said company at such time and place as may be designated by a majority of the Commissioners herein named for the village of Lancaster.

Powers and privileges.

V. That for the purpose of organizing and forming this company, all the powers conferred by the charter of the Charlotte and South Carolina Railroad Company, on the Commissioners therein named, shall be vested in the Commissioners hereby appointed at Lancaster Court House; and all the powers, rights and privileges granted by the charter of the Charlotte and South Carolina Railroad Company to that company shall be, and are hereby, granted to the Lancaster Railroad Company, and subject to the conditions therein contained, except as to the amount of the capital stock, the amount and value of shares, and the sum necessary to authorize organization, and except in so far as the special provisions of this Act may

otherwise require the same to be modified or varied; and that this Act be taken as and deemed a public Act.

A. D. 1852.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE BEAUFORT AND COLUMBIA LOAN AND BUILDING ASSOCIATIONS. No. 4090.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edward Rhett, Thomas O. Barnwell, John A. Johnson, A. McNeir Cunningham, William B. Means, E. J. Durban, David L. Thomson and John M. Baker, together with other persons who are now, or hereafter may be, associated with them, be, and they are hereby, declared a body politic and corporate, for the purpose of making loans of money, secured by mortgages of real estate and personal property, to their members and stockholders, by the name and style of the Beaufort Loan and Building Association, the capital stock of which shall consist of six hundred shares, to be paid in by successive monthly instalments of one dollar on each share, so long as the corporation shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments as may be prescribed by such by-laws as the said corporation shall be hereinafter empowered to make and adopt.

II. That John Fisher, W. W. Walker, R. L. Bryan, J. W. Parker, G. Monteith, John T. Goodwyn and L. B. Beckwith, together with other persons, who now are, or hereafter may be, associated with them, be, and they are hereby declared, a body politic and corporate, for the purpose of making loans of money, secured by mortgage of real estate and personal property to their members and stockholders, by the name and style of the Columbia Building and Loan Association, the capital stock of which shall consist of twelve hundred shares, to be paid in by successive monthly instalments of one dollar on each share, so long as the corporation shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments, according to such regulations as may be prescribed by the by-laws of said corporation.

Capital stock,
how paid.

III. That the said corporations, respectively, shall have power and authority to make any such rules and by-laws for their government as are not repugnant to the Constitution and laws of the land; shall have such number and succession of members and officers as shall be ordained and chosen according to the said rules and by-laws made or to be made by them; shall have and keep a common

Powers and
privileges.

A. D. 1852.

seal, and may alter the same at will; shall sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

Funds, how
to be loaned.

IV. That the funds of said corporations, respectively, shall be loaned and advanced to the members and stockholders, upon the security of real and personal estate, in such mode, on such terms, and under such conditions, and subject to such regulations as may, from time to time, be prescribed by the rules and by-laws of said corporations, respectively; and it shall and may be lawful for the said corporations, respectively, to hold such lands, tenements, hereditaments and personal property as are now or shall hereafter be mortgaged or conveyed to them, respectively, in good faith, by way of security upon its loans and advances; and may purchase at sales thereof, made according to law, upon judgments or decrees at law or in equity for the recovery of their debts; and to sell, alien or otherwise dispose of the same, as they, from time to time, may deem expedient.

V. That whenever it shall so occur that the funds of the said corporations, respectively, shall remain unproductive and uncalled for for the space of two months, the corporations, respectively, shall have power to loan whatever amount may be thus on hand to others than stockholders and members, provided it can be safely invested and re-paid within one year, at the rate of not more than seven per cent.

Dividends.

VI. That whenever the funds of the said corporations, respectively, shall have accumulated to such an amount, that upon a fair and just division thereof each stockholder and member shall have received or be entitled to receive the sum of two hundred dollars, or property of that value, for each and every share of stock by him or her so held, and such distribution and division of the funds shall have been so made, then these corporations, respectively, shall cease and determine; and that this Act shall be taken and deemed a public Act, so held and judicially taken notice of as such, and that the same may be given in evidence without special pleading.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4091. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE LAW IN RELATION TO THE HARBORING OF DESERTED SEAMEN."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to

amend the law in relation to the harboring of seamen," who have deserted, passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-seven, be, and the same is hereby, amended, so that hereafter a copy of the articles of the ship or vessel, authenticated by the affidavit of the captain, sworn to before any Notary Public or Magistrate, shall be admissible in evidence, in like manner, and for like purposes, for which the original articles of said ship or vessel are now admissible in evidence under the provisions of said Act.

A. D. 1852.

II. And the said copy, so certified as aforesaid, shall also be admissible in evidence in any trial or prosecution commenced under this Act, and any person who shall hereafter be convicted of harboring deserting seamen, or of inveigling or procuring them to desert any service for which they have engaged, or disregard any articles into which they have entered, shall be held guilty of a misdemeanor, and, upon trial and conviction, shall be punished by fine and imprisonment at the discretion of the Judge, not to exceed three hundred dollars' fine and three months' imprisonment.

Evidence.

III. That it shall not be lawful for any master or keeper of a boarding or lodging house, intended for or appropriated to the use or accommodation of seamen, or any servant, agent or other person in their employment, or for any broker, shipping master or other person engaged in the business of procuring seamen for vessels, or furnishing them with such seamen, or making contracts for their services, to enter or attempt to go on board of any vessel lying at any port, or in any waters within the jurisdiction of this State, without having previously obtained the permission of the master or other person having the care, custody and control of such vessel; and any such person so entering any vessel, as aforesaid, without the permission required by this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine and imprisonment, at the discretion of the Judge who tries the case, not to exceed three hundred dollars and three months' imprisonment; and it shall be lawful for the master, or other person having the command of the said vessel, or the care, custody and control of the same, to seize and arrest all persons while so offending, and to take them before any Magistrate, to be committed or bound over to appear as in other cases of misdemeanor; and upon the trial of any person indicted under this Act, in case it shall be proved that any such person, as above described, shall have entered or attempted to go on board of any vessel within the jurisdiction of this State, it shall be obligatory upon the person accused to prove that he had previously received the permission required by this Act, and in default of such proof, such person shall be presumed to have entered without such permission, and be found guilty accordingly.

Consent of
master of ves-
sel to go on
board required.

Penalty.

IV. That when any prosecution shall be commenced against any person, under this or any former Act, providing for the punishment of harboring seamen who have deserted, and it shall appear to the Magistrate, before whom the prosecution was commenced, that the testimony of any master of a vessel, or other transient person, will be important on such trial, such Magistrate shall have authority, after five days' notice to the party accused, to summon such witness before some Judge of the Court of General Sessions, or the Recorder

Witness to
appear before
Court on five
days' notice.

A. D. 1852.

of the City Court of Charleston, to appear and give evidence in the said matter, when such witness shall be examined, with the right to the party accused to examine or cross-examine such witness as in trials in open court, and the Judge or Recorder shall certify and seal up such evidence, to be used on the trial of the cause in the same manner as if the same had been given orally on such trial: *Provided*, That such testimony shall in no case be used unless it shall appear by the affidavit of the Magistrate, before whom such prosecution shall have been commenced, that such witness is not at the time of such trial within the jurisdiction of this State.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4092.

AN ACT TO INCORPORATE THE TOWN OF BLUFFTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who now own, or may hereafter own dwelling houses in the town of Bluffton, in the Parish of Saint Luke's, District of Beaufort, and those who may occupy such dwelling houses under lease, may be deemed, and are hereby declared, a body corporate or politic; and that the said town shall be called and known by the name of Bluffton, and its limits shall be held and deemed to extend on the north from the northern edge of the public road, beginning from dividing line between Stock Farm and Buck Island Plantation, belonging to James Pope, senior, thence eastwardly to the northwestern angle of Boundary street, thence down the eastern edge of said street until it joins the north-west angle of Rowel's lot; on the south by May River; on the east by lots as indicated on the plat of Deputy Surveyor Buckner, excepting and excluding the lot on which is the residence of the late James Kirk, known and marked on said plat "Mr. Kirk's settlement;" on the west by the dividing line between Stock Farm and Buck Island Plantation.

Intendant and
Wardens, how
appointed.

II. That the said town shall be governed by an Intendant and four Wardens, who shall be appointed in the first instance by the delegation of Saint Luke's Parish, and shall continue in office until the third Monday of September next, on which day, as well as on the third Monday of September in every year thereafter, an election shall be held for an Intendant and four Wardens, (who shall always be freeholders within the limits of said town,) at such place as the Intendant and Wardens shall designate, ten days' notice being previously given; and that all free white male inhabitants of the age of twenty-one years, of the said town, and who have resided therein three months previous to the election, or who may own a house or

lot in said town, shall be entitled to vote for the said Intendant and Wardens, the election to be held from nine o'clock in the morning until two o'clock in the afternoon; and when the polls shall be closed the Managers shall proclaim the said election, and give notice in writing to the persons elected; and that the Intendant and Wardens of the said town, for the time being, shall always appoint the Managers, three in number, for the ensuing election. That the Intendant and Wardens, before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of Bluffton, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been appointed: So help me God."

A. D. 1852.

Elections.

Oath.

III. That in case a vacancy shall occur in the office of Intendant or Wardens, by death, resignation, removal from office, or absence from the State, an election to fill such vacancy shall be held by appointment of the Intendant and Wardens, or the Wardens, as the case may be, ten days' previous notice being given, and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a council, shall be empowered to elect one of the Wardens to act in his stead during the time.

Vacancies.

IV. That the Intendant and Wardens, when elected and duly qualified, shall, during their term of service, severally and respectively, be vested with all the powers of Magistrates of this State, except for the trial of small and mean causes, and their immediate jurisdiction shall extend to the limits of said town; that the Intendant shall and may, as often as occasion may require, summon the Wardens to meet in Council, any two of whom, with the Intendant, may constitute a quorum to do business, and they shall be known by the name of "The Town Council of Bluffton," and they, and their successors hereafter to be elected, may have a common seal; and they shall have power and authority to constitute and appoint, from time to time, such and so many proper persons to act as Constables within their jurisdiction, according to law, as they shall find expedient and proper; which Constables shall have all the powers and privileges, and be subject to all the duties and regulations appointed by the laws of this State for the said office. And the Intendant and Wardens shall have full power, under their corporate seal, to make and establish all such rules, by-laws and ordinances, respecting the streets, ways, lots, markets and police of the said village, as shall appear to them requisite and necessary for the security, welfare and convenience of the said town, and for preserving health, peace, order and good government within the same; and the said Council may affix fines for offenses against their rules, by-laws and ordinances, and appropriate the same to the public uses of the said corporation; but no fine shall exceed thirty dollars for any one offense; which fines, when they exceed twenty dollars, may be recovered in the Court of Common Pleas for Beaufort District, and, when under the sum of twenty dollars, before the said Intendant and Wardens, or any two of them, who shall have power to issue their execution for the collection of the same: *Provided*, That

Intendant and
Wardens,
Magistrates.Powers and
privileges.

A. D. 1852.

nothing herein contained shall authorize the said Council to make any laws inconsistent with, or repugnant to the laws of the land; and that all the rules, by-laws and ordinances, they may make and ordain, shall at all times be subject to the revisal or repeal of the Legislature.

Patrol duty.

V. That the said Intendant and Wardens shall have full power to abate and remove nuisances in said town, and to classify and arrange the inhabitants liable to do patrol and road duty, and to require them to perform such duty as often as occasion may require; and to enforce the performance thereof, under the same penalties as are now established by law; and that the said Intendant and Wardens, or any one of them, upon view thereof, or complaint lodged, are hereby required to issue warrants against all offenders, and cause them to be brought before them, and, upon examination, shall either release, admit to bail, (if the offense be bailable,) or commit to jail such offenders as the case may require; and the Sheriff of Beaufort District is enjoined to receive and keep the persons so committed until discharged in due course of law; and that the said Intendant and Wardens may, collectively or severally, take recognizance in all criminal cases upon the terms and in the manner as Magistrates are required to do by law.

To grant licenses for liquors.

VI. That the said Intendant and Wardens shall have the full and only power to grant licenses to keep taverns and retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same conditions as they are now granted by Commissioners of Roads, under the laws of this State; and all the powers vested in Commissioners of Roads are hereby granted to the said Intendant and Wardens within the limits of the said town; and that all moneys paid for licenses, fines and forfeitures for retailing spirituous liquors and keeping taverns within the said limits shall be paid to and appropriated by the said Intendant and Wardens to the public uses of the said corporation.

Commutation of patrol duty.

VII. That the said Intendant and Wardens shall have full power and authority to compound with persons liable to work on the roads and streets, and perform patrol duty in said town, and to release such persons as may desire to be released therefrom, upon the payment of such annual sum of money to the said Intendant and Wardens as may be deemed by them a fair equivalent therefor, to be applied by them to the services and uses of said corporation; and that no person residing within said limits seven months in the year shall be liable to work on any road or perform patrol duty without the limits of said town.

Who to do patrol duty.

VIII. That all persons owning houses and lots in the said town, and residing there during the summer months, shall be liable to do patrol and road duty in said town during the whole year: *Provided*, That the said Intendant and Wardens shall not have power to order out any persons to perform road or patrol duty during the whole year unless they be in the habit of making the said town their summer residence; nor shall any hands be ordered out to perform said road duty except those hands who are employed about the said residence, and who are liable by law to perform said duty.

IX. That this Act shall remain in force for the term of three years next after the first day of March next ensuing.

A. D. 1852.

Limit of charter.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE NORTHEASTERN RAILROAD COMPANY." No. 4093.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to incorporate the Northeastern Railroad Company," be, and the same is hereby, so amended as to allow the said Northeastern Railroad Company to locate their northern terminus on or near the Wilmington and Manchester Railroad, west of the Pee Dee River, so as to connect with the southern terminus of the Cheraw and Darlington Railroad: *Provided*, That the trains of the said Northeastern and Cheraw and Darlington Railroads, in crossing the track of the said Wilmington and Manchester Railroad, shall always conform to the reasonable times prescribed by the schedule of the said Wilmington and Manchester Railroad: *And, further*, That all accidents by collisions shall *prima facie* be imputed to the negligence or default of the agents or servants of the said Northeastern and Cheraw and Darlington Railroads.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE DEFENCE OF THE STATE." No. 4094.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Board of Ordnance, established by an Act entitled "An Act to provide for the defence of the State," be, and the same is hereby, abolished.

II. That the office of ordnance officer, created by said Act, be continued, and that said ordnance officer hereafter receive a salary

A. D. 1852.

of one thousand dollars per annum, instead of two thousand, as now provided by law; and in case the said office shall have become vacant by death, resignation or otherwise, that His Excellency the Governor, for the time being, be, and he is hereby, authorized, by appointment, to fill such vacancy.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4095. AN ACT TO AUTHORIZE THE SOUTH CAROLINA RAILROAD COMPANY TO CONSTRUCT A CERTAIN BRIDGE OVER THE CONGAREE RIVER.

Whereas the public interest is concerned in the ready and safe passage over the Congaree River, as well as in the navigation of the same, and a secure passage over the said river by bridge, interferes with the uninterrupted navigation thereof by steamboats with chimneys of great height, unless means be taken to reduce the height of such chimneys by hinges, to be used as occasion may require; therefore,

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the South Carolina Railroad Company to construct a bridge over the Congaree River where it is intersected by the railroad, although the said bridge be not of sufficient elevation to permit steamboats to pass without lowering their smoke stacks: *Provided*, That the said bridge be at least forty-two feet above the bed of the river: *And provided, also*, That the said company shall satisfy and pay all the expense which any steamboat may incur, by reason of any alterations which may be rendered necessary by this Act, and by the necessity of lowering the smoke stack of such steamer, by the use of hinges or by any other manual contrivance: *Provided, also*, That the said railroad company shall transport guano and agricultural Plaster of Paris at a rate not exceeding twelve and a half cents per hundred pounds, to Camden, Columbia and Hamburg, and at the same rate to all intermediate stations.

II. And it is hereby expressly declared that the said South Carolina Railroad Company is exempted from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one. But nothing herein contained shall be construed as exempting the said company from the

Restrictions.

Exemption
from Act of
1841.

provisions of the said forty-first Section upon any future grant, renewal or modification of their charter.

A. D. 1852.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REPEAL ALL ACTS AND PARTS OF ACTS AUTHORIZING ORDINARIES TO TAKE POSSESSION OF AND ADMINISTER DERELICT ESTATES. No. 4096.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the seventh Section of the Act of 1839, entitled an Act concerning the office and duties of Ordinary, and all other Acts and parts of Acts authorizing the Ordinary to take charge of and administer derelict estates, be, and the same are hereby, repealed.

Seventh Section repealed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES, AND TO AMEND THE LAW RESPECTING COMMISSIONERS OF ROADS IN CERTAIN PARTICULARS. No. 4097.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridges erected by the Greenville and Columbia Railroad Company across Broad River and Saluda River, be, and they are hereby, chartered and vested in the said railroad company for the term of ten years, and the said company shall have power to regulate, by public notice, the hours at which said bridges may be used by the public, and may charge at the Broad River Bridge the same rates of toll as are allowed by law to be charged at Hughes' Ferry, and at the Saluda Bridge, the same rates of toll as are allowed to be charged at Chappell's Bridge.

II. That the Mount Pleasant Ferry Company be, and they are hereby, authorized and empowered to establish a communication from the said company's lands, adjoining the town of Mount Pleasant, to Sullivan's Island, by means of a flat or drawbridge, for the

Mount Pleasant Company.

A. D. 1852.

Rates of toll.

term of fourteen years, with the following rates of toll, viz: For each foot passenger, 5 cents; for each horse and rider, 15 cents; for each horse and chair or sulky, 37½ cents; for each carriage and pair of horses, 75 cents; for each cart, horse and driver, 37½ cents; for each wagon and four horses, \$1.50; for each wagon and pair of horses, \$1; for cattle, per head, 10 cents; for calves and hogs each, 6½ cents; for sheep, goats, pigs and deer, each, 5 cents; for turkeys each, 2 cents; for fowls, ducks, &c., each, 1 cent: *Provided*, The said flat or drawbridge shall not in any manner interfere with the navigation of the said channel.

III. That so much of an Act entitled "An Act to establish certain roads, bridges and ferries, and to amend the law respecting the Commissioners of Roads in certain particulars," passed on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, as authorizes the laying out of a new road from Pickens Court House to Greenville Court House, by the way of Pickensville, be, and the same is hereby, repealed, so far as it relates to the road between Pickensville and Pickens Court House.

Act relating to Pickensville Railroad repealed.

IV. That so much of the first Section of an Act entitled "An Act to establish certain roads, bridges and ferries," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, as authorizes a new road to be laid out from Anderson Court House *via* Pendleton village to Pickens Court House, be, and the same is hereby, repealed, so far as relates to the opening of a new road from Anderson Court House to Pendleton village; and the Commissioners therein named are hereby authorized and required to make all such changes and alterations in the location of the old road, between the points above mentioned, as they may deem necessary and proper, and for that purpose the said Commissioners are hereby invested with all the powers and privileges, and subjected to all the duties and liabilities now imposed by law upon Commissioners of Roads.

Act relating to railroad from Anderson to Pickensville repealed.

V. That a public road be, and the same is hereby, authorized to be laid out and established in Abbeville District, to commence and leave the road leading from White Hall to Abbeville Court House, at or near Asberry Church; to run thence along a road called the Old Ridge Road, through the lands of Samuel Marshall, J. S. Marshall, John Anderson, L. H. Rykard and others, until it intersects with the Matthis Road, near Ware's Cross Roads, and thence by the shortest and most direct route to the depot of the Greenville and Columbia Railroad Company, near Greenwood, in said District.

Public road in Abbeville.

VI. That A. B. Crook, J. H. Cleaveland, and their associates, be, and they are hereby, empowered, at their own expense, to lay out a road leading from Greenville Court House to the North Carolina line, through Gap Creek, or up the middle fork of Saluda River, and to erect and keep in repair a turnpike thereon, to be vested in them and their heirs and assigns for the term of twenty-one years from the completion of the same; and that it shall and may be lawful for the said A. B. Crook, J. H. Cleaveland, their associates, heirs and assigns, to take and receive as a toll for passing the said turnpike, the following rates of toll and no more, that is to say: For

Gap Creek Turnpike road.

Rates of toll.

every four-wheeled carriage and driver, seventy-five cents ; for every empty wagon and team and driver, fifty cents ; for any four-wheeled pleasure carriage with two horses, seventy-five cents ; for every four-wheeled carriage with one horse, fifty cents ; for every other carriage or wagon, twenty-five cents ; for every man and horse, ten cents ; for every head of horses or black cattle, two cents ; for every head of hogs, sheep or goats, one cent. And that the said A. B. Crook, J. H. Cleveland, and their associates, shall have power at any time hereafter to build a plank or other hard road over the said turnpike ; and they shall likewise have power to construct a turnpike or plank road up the Gap Creek, and also up the middle fork of Saluda River to the North Carolina line, with the same rates of toll as are herein specified.

A. D. 1852.

VII. That the ferry established by C. J. Gaffney, on Broad River, between Spartanburg and York Districts, near the Limestone Springs, be, and the same is hereby, chartered and vested in the said C. J. Gaffney, his heirs and assigns, for the term of ten years, with the following rates of toll, that is to say : For each wagon and four horses, fifty cents ; for each wagon and two horses, or pleasure carriage with two horses, thirty seven and a-half cents ; for each wagon, buggy, carriage or other vehicle, with one horse, twenty-five cents ; for each person on horseback, ten cents ; for each head of horses and cattle, five cents per head ; for each head of hogs, sheep or other animals, two cents.

Gaffney's Ferry.

Rates of toll.

VIII. That the Bridge across Edisto River, known as Rumph's Bridge, formerly Givhann's Ferry, is hereby re-chartered and vested in Moses West, his heirs and assigns, for the term of fourteen years, with the same rates of toll as are now allowed by law.

Rumph's bridge rechartered.

IX. That the ferry at Jacksonborough, in Colleton District, known as the Jacksonborough Ferry, be, and the same is hereby, re-chartered and vested in Emanuel Witsell, his heirs and assigns, for the term of fourteen years, with the same rates of toll as are now allowed by law.

Jacksonborough Ferry rechartered.

X. That the turnpike road from Pumpkintown to the base of the Table Mountain, be, and the same is hereby, re-chartered and vested in Nancy Keith, her heirs and assigns, for the term of ten years, with the same rates of toll as are now allowed by law.

Pumpkintown Turnpike re-chartered.

XI. That Huit's Ferry, across Saluda River, be, and the same is hereby, re-chartered and vested in William Bouknight, his heirs and assigns, for the term of ten years, with the same rates of toll as are now allowed by law.

Huit's Ferry.

XII. That the bridge across Lynch's Creek, belonging to Middleton DuBose, be, and the same is hereby, re-chartered and vested in the said Middleton DuBose, his heirs and assigns, for the term of ten years, with the same rates of toll as are now allowed by law.

DuBose's Bridge.

XIII. That the turnpike road made by J. P. Hillhouse, from a point on the Buncombe Road, between the seven and eight mile posts to the summit of Paris Mountain, in Greenville District, be, and the same is hereby, chartered and vested in the said J. P. Hillhouse, his heirs and assigns, for the term of ten years, with the following rates of toll, to wit : For a wagon and two or more horses, fifty cents ; for a pleasure carriage, drawn by one or more horses, thirty-seven and

Turnpike.

A. D. 1852.

a half cents; for each person on horseback, twelve and a half cents.

XIV. That the Town Council of Sumterville shall be, and they are hereby, authorized and empowered to close up so much of the public road, leading through said town to Stateburg, as divides the lot of J. M. Pitts: *Provided*, They shall keep open and in repair, for the public use, the streets contiguous to said lot, known as Washington and Warren streets.

New road in
Clarendon.

XV. That R. P. Haynesworth, John F. June and James McCauley, be, and they are hereby, appointed Commissioners to lay out and open a public road in Clarendon County, from Col. Wm. A. Colclough's plantation to June's store, and the said Commissioners are hereby invested with all the powers invested by law in Commissioners of Roads; and when the said road shall have been opened it shall be placed under the jurisdiction of, and kept in repair by the Eastern Board of Commissioners of Roads of Clarendon County.

Road labor to
repair bridges.

XVI. That the Commissioners of Roads in this State be, and they are hereby, authorized and empowered to employ the ordinary road labor in the construction and repair of all bridges over the rivers or creeks of this State, which constitute the boundary line between Districts or Parishes, if in their opinion the same shall be sufficient, and shall assess their respective Districts and Parishes, whenever in their judgment the said ordinary road labor is insufficient. And where any such bridge exists, or shall be hereafter built, it shall be the duty of the Boards adjoining to divide the same by measurement in the centre, and each Board shall be responsible for the good order of the half next adjoining the District or Parish in which it lies. And whenever it becomes necessary to build a new bridge, or to replace entirely an old one which has been carried away or destroyed, it shall be the duty of the Boards of the two Districts or Parishes to replace the same, as is now by law provided.

New road in
York.

XVII. That a public road be laid out in York District, leading from a point on the Cureton Ferry Road, at or about where John Sigreaves now lives, and running in a westerly direction, the most practicable route to intersect the main road leading to Columbia and Chester, at the ten mile post from Nation Ford, near Joseph Crook's house; and that A. F. Fewell, John S. Bratton and John McGill be appointed Commissioners, and invested with full powers to lay out said road, and the same, when completed, to be placed under the jurisdiction of the Commissioners of Roads of York District.

Commission-
ers.

XVIII. That a public road be opened and laid out in Abbeville District, commencing at the Barksdale Ferry Road, half a mile from the point where the road leading from Abbeville Court House to Hamburg intersects the aforesaid road, and running through the lands of E. Chiles, John A. Childs, J. H. Wideman, J. M. Chiles, J. W. Hearst, Samuel Cook, Frederick Cook, D. Roundtree and D. Minor to the public road near Talbert's Mills; and that Samuel B. McLinton, W. W. Belcher, P. S. Guillebeau and J. H. Wideman be appointed Commissioners to lay out said road, with all the powers usually granted for such purpose, and when said road is completed, the same to be placed under the jurisdiction of the Board

of Commissioners who have charge of that section of roads in Abbeville District.

A. D. 1852.

XIX. That Hughey's Ferry across Broad River be re-chartered and vested in Daniel Hughey, his heirs and assigns, for the space of fourteen years, with the same rates of toll as are now allowed by law.

Hughey's Ferry.

XX. That a public road be laid out and opened from Cureton's Ferry, on the Catawba River, in York District, to a point of intersection with the Columbia Road, about one mile north of Maj. N. R. Eaves' Mill, on Fishing Creek, in Chester District, the said road to commence on a line between J. E. Rodgers' and Mrs. E. S. Dunlap's, on the road running from Cureton's Ferry aforesaid, to Yorkville, in York District, and thence near a west course, and near the Indian line, through lands of Mrs. E. S. Dunlap, C. Reives, Samuel McDowell, Jonathan Davis, Elizabeth White, Elizabeth Wren, James, John and W. W. Kenmore's and Henry Lee, in York District, and through lands of James Lee and Mrs. Mary Reives, in Chester District, in a southwestern direction, to its intersection with the Columbia road, at the point aforesaid; and that Isaac McFaden, C. S. Cline and William W. Kenmore, of York District, and James Lee, Robert Ferguson and William Wear, of Chester District, be, and they are hereby, appointed Commissioners to lay out and open the same, and for this purpose they are invested with all the powers and subject to all the liabilities of Commissioners of the Roads.

Road from Cureton's Ferry.

XXI. That a public road be laid out and opened in York District, commencing at the Turkey Creek Bridge, on the Quinn's Road, and running thence by Fowler's Grave Yard and Olivet Church to station number four, on the King's Mountain Railroad, at McConnell's; and that Jephtha Quinn, William Robertson and William Minter, be, and they are hereby, appointed Commissioners to lay out and open the same, with all the powers, privileges and liabilities incident to Commissioners of Roads.

Road from Turkey Creek Bridge.

XXII. That a public road be, and is hereby, laid out and established in Newberry District, to begin at the Buncombe road, at the late residence of James P. Caldwell, deceased; thence to pass over the lands of the estate of the said deceased, of Thomas Crosson, William Price, James Sloan, Jr., and Thomas Chalmers, pursuing the route of the road now in use, except such slight changes as the Commissioners of Roads for said District may adopt for its improvement; thence to proceed through the lands of Henry Kinard, along the route of the old Calmes road, passing through a field of Hugh Wilson on or near the old track of said Calmes road, and after the passing the head of the ravine in which the spring of said Wilson is situated, said road then to turn to the right and pass near Wilson's cotton house, to intersect with the road leading from Wilson's house to William Martin's lane, and to follow said road to the said lane; thence to pass through Martin's land where the road now runs, and when it reaches George Garmany's land, to turn to the left and pass a few rods south of Dugan's Rock, entering and passing through Garmany's field on the ridge which begins at or near Martin's land, to the corner of Archibald Sloan's land, and to intersect the road now in use at the corner of Sloan's field; thence to follow the road now in use to a point near the Ashford's Ferry road,

Road in Newberry.

A. D. 1852.

and thence to turn to the left and intersect said road at the south-east corner of an old field through which said road should pass at a point between two and three miles from the town of Newberry.

Annual report to be made.

XXIII. That it shall be the duty of every Commissioner of Roads to report annually to the Board of which he is a member, if he has complied with the law in relation to posting and pointing the section of road under his charge.

XXIV. That the Chairman of each Board shall include the returns required by the sixteenth Section of the Act of 1851 "to establish certain roads, bridges and ferries, and to amend the law respecting Commissioners of Roads in certain particulars," in the report now required to be made at the fall term of the Court of Common Pleas; and shall, in addition thereto, report such Commissioners as have not made the return required in the last preceding Section of this Act. And all returns and reports required by law shall be signed by the Chairman and countersigned by the Clerk of each Board.

New Ferry.

XXV. That a new ferry be established over Black River, on the Counter-line Road, at the place formerly known as Whitman's Ferry, and that the same be vested in Robert Abrams, his heirs and assigns, for the term of fourteen years, with the right to take and receive the same rate of toll as now allowed by law to be taken and received at the ferry on Black River known as Brown's Ferry.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4098. AN ACT TO ALTER AND ARRANGE THE TIMES OF THE SITTING OF THE COURTS OF EQUITY IN THE FIFTH CIRCUIT.

Courts of Equity, when to be held.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter the Courts of Equity for the Fifth Circuit shall be held as follows, to wit: At Edgefield Court House, on the first Monday in June; at Abbeville Court House, on the second Monday in June; at Laurens Court House on the third Monday in June; at Anderson Court House, on the fourth Monday in June; at Pickens Court House on the first Monday after the fourth Monday in June, and at Greenville Court House, on the second Monday after the fourth Monday in June; to sit for one week at each place, if so much time be necessary to dispose of the business.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1852.

AN ACT TO INCORPORATE THE COLUMBIA GAS LIGHT COMPANY. No. 4099.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Bryce, A. H. Gladden, Andrew Crawford, G. Monteith, E. H. Fisher, J. S. Boatwright, Wm. F. DeSaussure, John I. Gracey, and their associates and successors, shall be, and they are hereby, incorporated and made and declared a body politic and corporate, in deed and in law, by the name and style of the Columbia Gas Light Company, and as such body politic and corporate shall have power to make, use, have, and keep a common seal, and the same at will to alter; to make all necessary by-laws not repugnant to the laws of the land, and to have succession of officers and members conformably to such by-laws; and to sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and to have, use, and enjoy all other rights, and be subject to all other liabilities which are incident to bodies corporate.

Columbia
Gas Light
Company.

II. That the said corporation shall have full power and authority to manufacture, make and sell gas, to be made of rosin, coal, oil, turpentine or other material, and to furnish such quantities of gas as may be required in or near the town of Columbia, for lighting the streets, stores, manufactories and buildings there situate, and for other purposes; to lay pipes or other conductors for conducting gas through the streets, alleys, lanes and squares of the town of Columbia aforesaid, or its vicinity, and also to erect such buildings, and to hold such real and personal estate as may be requisite or necessary to carry on the business aforesaid. And the said corporation shall have power to raise by subscription, in shares of twenty-five dollars each, a capital of fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars; and the said corporation shall or may go into operation, and the rights, privileges and franchises hereby granted, shall attach whenever twenty thousand dollars of the capital aforesaid shall have been actually paid in, in gold or silver current coin, or the current notes of the incorporated banks of this State, and an oath or affirmation thereof shall have been made by the President, Treasurer, and a majority of the Board of Directors of the said company, and recorded in the office of the Secretary of State, at Columbia, and shall have been published in one of the newspapers of the said town.

Power to
make gas.

III. That the said shares in the capital stock aforesaid, of the said corporation, shall be deemed personal estate, and be transferable only on the books of the said corporation. And no part of the said capital stock shall, at any time or under any pretence whatever, be loaned to or divided amongst the stockholders; nor shall the said capital be withdrawn or divided amongst the stockholders until all the liabilities of the said corporation have been lawfully paid, nor shall any dividend be at any time declared, except of the clear earnings and profits of the said company, over and above the capital.

Capital not
to be divided.

IV. That if the proprietor of any share shall refuse or neglect to pay any instalment assessed thereon, for the space of thirty days

A. D. 1852.
 Penalty.

after the time appointed for the payment thereof, the Treasurer of the company may, by order of the Board of Directors thereof, sell, by public auction, a sufficient number of any shares held by such defaulter, to pay all instalments then due by him, together with the necessary and incidental charges; and the Treasurer shall give notice of the time and place of such sale, and of the sum due on each share, by advertising the same for two successive weeks previous to such sale, in some newspaper in the town of Columbia, and a bill of sale of the shares so sold shall be made by the Treasurer of the company to the purchaser thereof, who shall thereupon be entitled to have the same transferred to him on the books of the company, and shall be liable for all future instalments on the stock which he may have purchased.

Books to be
 opened.

V. That the said John Bryce, A. H. Gladden, Andrew Crawford, G. Monteith, E. H. Fisher, J. S. Boatwright, Wm. F. DeSaussure and John I. Gracey may open books and take subscriptions for the capital stock of the said company, in such manner as they may deem expedient, and whenever such subscription shall amount to the sum of thirty thousand dollars, the stockholders, having had two weeks' notice in writing, or in one of the public newspapers in the town of Columbia, may meet and proceed to elect a President, Treasurer and Board of Directors, or such other officers as they may deem necessary for organizing the said company and conducting the affairs thereof; and the said Board of Directors shall continue in office until their successors shall have been duly elected, and, until otherwise provided by the by-laws of the said corporation, shall have power to dispose of the residue of the capital stock of the said company not subscribed for, in such manner and at such times as they may deem fit; and at the said election of officers, and at all other meetings of the said company, every stockholder shall be entitled to one vote for every share held by him.

Annual re-
 turn.

VI. That the Directors shall submit to the stockholders, annually, a written statement, under the oath or affirmation of the Treasurer of the corporation, setting forth the amount of the capital stock paid in, and of the general assets of the company, and also the amount of all existing debts and liabilities of the said company.

Penalty for
 trespass.

VII. That any person wilfully injuring or causing to be injured any of the property of the said corporation shall forfeit and pay to the said corporation treble the amount of damages sustained by any such injury, to be recovered by action in any court having cognizance thereof, and shall be considered guilty of a misdemeanor; and, being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding two years.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO APPOINT COMMISSIONERS TO ASCERTAIN AND DEFINE THE PROPER DIMENSIONS AND DIRECTIONS OF THE STREETS OF THE TOWN OF MOULTRIEVILLE, AND TO REMOVE ALL OBSTRUCTIONS IN SUCH STREETS. A. D. 1852.
No. 4100.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Bond F'On, James L. Petigru, H. E. Ravenel, W. H. Gilliland and Robert Adger, be, and are hereby, appointed Commissioners to ascertain and define the proper dimensions and directions of the streets of the town of Moultrieville, and thereafter to remove all obstructions in said streets: *Provided*, That in case of the removal of any building or buildings, compensation, to be assessed by said Commissioners, shall be awarded to the owner or owners thereof by the Town Council of Moultrieville.

Commission-
ers.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE EDUCATION OF THE DEAF AND DUMB OF THIS STATE. No. 4101.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth Section of an Act entitled "An Act to provide for the education of the deaf and dumb children of this State," passed on the seventeenth day of December, Anno Domini, one thousand eight hundred and thirty-four, be so altered and amended as to read as follows: That the sum which shall be allowed for the board, tuition and all incidental expenses of one deaf and dumb person for one year, (except travelling expenses, clothing and medical attendance,) shall not exceed one hundred and fifty dollars; and as to the expenses excepted, the Commissioners shall take care to place them upon the most economical scale.

Sum allowed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND FOR THE RE-CHARTER OF OTHERS. No. 4102.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1852.

Names.

same, That the officers and members of the following societies, associations and companies, to wit: The German Artillery Company and Charitable Society, the Edgefield Flying Artillery Company, the Carolina Blues, the Trinity Lodge, number twenty-two, of the Independent Order of Odd Fellows, at Yorkville, the Morgan Lodge, number nineteen, of the Independent Order of Odd Fellows, at Spartanburg C. H., the Edgefield Odd Fellows, and Masonic Building Association, the Charleston Club, and the Fourth of July Association of Charleston, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each of them hereinbefore respectively assigned.

Powers.

II. That the said societies, associations and companies, according to their respective by-laws, shall have succession of officers and members, and shall have power, respectively, to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any Court of this State, and to have and enjoy every right, power and privilege incident to such incorporations, and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess or be entitled to, or which shall hereafter be given, bequeathed or devised to them, respectively, or in any manner acquired by them; and to sell, alien and transfer the same or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of twenty thousand dollars, except that the Charleston Club may hold any real and personal estate not exceeding in value the sum of fifty thousand dollars.

III. That the Richland Volunteer Rifle Company, the Washington Light Infantry, and the New England Society, be, and the same are hereby, re-chartered, with all the rights, powers and privileges heretofore granted to them respectively.

IV. That the name of a company, heretofore incorporated by the name of Axe Company of Charleston Neck, be changed, and hereafter the said company be known and called by the name and style of the Palmetto Axe Company, of Charleston.

Philomathean Society.

V. That the Philomathean Literary Society, of Erskine College, be, and the same is hereby, incorporated as a body politic and corporate, with power to sue and be sued, plead and be impleaded in any Court of law or equity in this State; and shall have a common seal, and succession of officers, by the name and style of the Philomathean Society. That the said society shall hold but one meeting in each year in a corporate capacity, which meeting shall be on a day in the week in which the commencement of the said Erskine College shall be held, at which meeting no business of a corporate capacity shall be transacted, unless a majority of the honorary and regular members then present be of full age, and that the said society, at their annual meeting aforesaid, may make by-laws for their government, not repugnant to the laws of the land, and the said society shall be able and capable in law to take and receive, by donation or otherwise, and possess any personal estate: *Provided*, The same shall not exceed the sum of one thousand dollars; and dispose of the same as they may deem proper.

VI. That this Act is hereby declared to be a public Act, and shall continue of force for the term of fourteen years.

A. D. 1852.

Public Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE FORMATION OF THE SAVANNAH RIVER VALLEY RAILROAD COMPANY. No. 4103.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad, on the most practicable route from the town of Hamburg, in Edgefield District, up the valley of the Savannah River, to Anderson Court House, or to some convenient point on the Greenville and Columbia Railroad at or near Anderson Court House, (which said points is to be hereafter selected,) which said company shall have the exclusive right to make, keep up and use such railroad, and for the term of time, hereinafter to be mentioned, no other railroad shall be constructed between the points above designated.

Where to run.

II. That for the purpose of raising the capital stock of said company, it shall be lawful to open books at Hamburg, under the direction of J. W. Stokes, A. Burnside, J. Blackwood, Charles Hammond and B. Baird, as Commissioners, and at such other places, and under the direction of such other persons as the said Commissioners, or a majority of them, may designate, for the purpose of receiving subscriptions to an amount not exceeding two millions of dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the purpose of constructing and carrying into operation the railroad by this Act provided for, and on each share of the stock subscribed for, the subscribers shall pay to the Commissioners who shall take the same, the sum of ten dollars in specie or notes of specie paying banks of this State.

Commissioners.

III. That when the sum of five hundred thousand dollars shall be subscribed for, in manner herein prescribed, the subscribers shall be, and they are hereby, declared to be incorporated into a company, by the name and style of "The Savannah River Valley Railroad," and may meet and organize the said company at such time and place as may be designated by the Commissioners, herein named, for Hamburg.

When incorporated.

IV. That for the purpose of organizing and forming this company, all the powers conferred by the charter of the "Greenville and Columbia Railroad Company" on the Commissioners at Greenville, shall be vested in the Commissioners, herein appointed, at Hamburg, and all the powers, rights and privileges granted by the

Powers.

A. D. 1852. charter of the "Greenville and Columbia Railroad Company" to that company, shall be, and are hereby, granted to the Savannah River Valley Railroad Company, and subject to the same conditions therein contained, except as to the capital stock, the sum necessary to authorize organization, and the amount of shares, and except so far as may be otherwise necessary to conform to the special provisions of this Act.

Vacancies.

V. That in the event of any vacancy in the Commissioners herein appointed at Hamburg, by refusal to serve, death or otherwise, the delegation in both branches of the Legislature for Edgefield District for the time being, are authorized to fill such vacancy.

Public Act.

VI. The charter hereby granted shall endure for thirty-six years, and this Act shall be taken and deemed to be a public Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4104. AN ACT TO RELIEVE PLANK ROAD COMPANIES FROM THE NECESSITY OF MAKING RETURNS, UNLESS SPECIALLY CALLED FOR BY THE LEGISLATURE.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter it shall not be requisite for plank road companies to make any report to the Legislature of their acts and doings, receipts and expenditures, conditions and business of the roads, unless such reports shall be specially called for by the Legislature.

Not to make returns.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4105. AN ACT TO AUTHORIZE THE FORMATION OF A NEW VOLUNTEER COMPANY WITHIN THE LIMITS OF THE TWENTY-THIRD REGIMENT OF INFANTRY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be authorized and empowered to inspect and receive into the Twenty-Third Regiment

of Infantry, a new volunteer company, to be called the Carolina Blues, upon their conforming to the requisitions of the law in relation to the reception of new volunteer companies.

A. D. 1852.
 Carolina Blues.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America. .

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CHANGE THE DAY FOR THE ELECTION OF, AND THE TERM OF OFFICE OF, THE MAYOR AND ALDERMEN OF THE CITY OF CHARLESTON, AND FOR OTHER PURPOSES. No. 4106.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by and with the authority of the same, That the election for Mayor and Aldermen of the city of Charleston shall be held on the first Wednesday in November next, and on the first Wednesday in every alternate year thereafter, instead of the day now by law appointed—and from and after the first Wednesday in November next the Mayor and Aldermen of the said city shall continue to hold their respective offices for the term of two years, instead of the term now by law prescribed.

Election to be held in November.

II. That the Mayor and Aldermen of the city of Charleston now in office shall continue therein until the said first Wednesday in November next.

III. That from and after the passing of this Act it shall be the duty of all persons resident of the city of Charleston, and claiming as such, to exercise the right of voting at any election for Mayor and Aldermen of the said city, to return themselves as citizens subject to a poll tax, at such time as shall be required by the ordinances of the city for making returns of taxable property; and all such citizens so returning themselves, shall, for the purpose of qualifying themselves to vote as aforesaid, be liable to pay to the city, in the way and at the time appointed for the payment of other city taxes, the sum of one dollar as a poll tax, and that no person shall be entitled or allowed to vote at the next regular city election for Mayor and Aldermen, or any succeeding election of such officers, unless, in addition to the qualifications now required by law, he shall have paid the said tax at the time appointed for the payment of other city taxes, next preceding such election; and shall, at the time that he is about to vote, produce a properly authenticated receipt or certificate from the City Treasurer, or other officer appointed by the City Council to receive taxes, showing that the said tax has been paid as aforesaid, when it shall be the duty of the Managers of Election to mark or stamp the said receipt or certificate, that no attempt may afterwards be made by any other person again to use the said certificate for the purpose of entitling him to vote; and the City Council are hereby authorized and empowered

Voters.

A. D. 1852.

to make any additional regulations which they may deem necessary and proper, for the purpose of enforcing the provisions of this Act, and preventing frauds in relation to the same: *Provided, however,* That nothing contained in this Act shall be intended or construed as giving to the said Council power or authority to impose any other penalty, or issue any execution to enforce the payment of the said tax; and that the Act now of force requiring voters to register their names, shall be, and the same is hereby, repealed.

IV. That all the laws now of force in relation to the election of Mayor and Aldermen of the city of Charleston, except so far as hereby repealed, be and continue of force.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4107. AN ACT TO RELEASE FROM PLEDGE THE RAILWAY SHARES BELONGING TO THE STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General be, and he is hereby, ^{Change of pledged stock.} authorized and required to pledge to the President and Directors of the Bank of the State of South Carolina, so many of the shares in the Charlotte and South Carolina Railroad Company, now held by the State, as may be equal in value to the shares in the South Carolina Railroad Company, pledged to the said President and Directors of the Bank of the State of South Carolina, in pursuance of an Act entitled "An Act to provide for the payment of the instalments due on the shares held by the State in the South Carolina Railroad Company," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty: *Provided,* That the said shares shall, in no event, be estimated at less than their par value.

II. That whenever such pledge or transfer shall have been made, it shall be the duty of the President and Directors of the Bank of the State to re-transfer to the Comptroller General the shares of the South Carolina Railroad now held in pledge by said Bank.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST IN WILLIAM H. TRAPP THE EXCLUSIVE
RIGHT TO NAVIGATE LITTLE RIVER.

A. D. 1852.

No. 4108.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the exclusive right to navigate Little River, (a stream emptying into Broad River, on the east side of said river, at Littleton Depot, on the Greenville and Columbia Railroad,) or such portion thereof as he may render navigable, be, and the same is hereby, vested in William H. Trapp, his heirs and assigns, for the period of twenty-one years from the first day of January, which shall be in the year of our Lord one thousand eight hundred and fifty-three: *Provided*, That the said William H. Trapp shall clear out of said river, or such portion thereof as he may navigate, all such natural, artificial, or accidental obstructions as may now interfere with the navigation of the same, and continue to keep the same so cleared out for the above period of twenty-one years, and that upon the failure or neglect of said William H. Trapp to keep such river so cleared of obstructions, for a period of more than two years at a time, he is and shall be thereafter excluded from the benefit of this Act.

Right to navigate Little River.

Proviso.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXEMPT ROBERT HOPTON, A FREE PERSON OF COLOR, FROM CAPITATION TAX. No. 4109.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, Robert Hopton, a free person of color, be, and he is hereby, exempted from the annual payment of the Capitation Tax now imposed by law on free negroes, mulattoes, and mustizoes.

Exemption from taxes.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1852.

AN ACT TO INCORPORATE THE VILLAGE OF COKESBURY.

No. 4110.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the free white persons having resided six months in the village of Cokesbury, in the District of Abbeville, are hereby declared to be a body politic and corporate, by the name and style of "Cokesbury," and its corporate limits shall extend one mile in each and every direction from the church now standing in said village.

Cokesbury.

Government.

II. The said village shall be governed by an Intendant and four Wardens, who shall be elected on the second Monday in January next, and in every year thereafter, ten days' notice being previously given; and all free white male inhabitants of said village, who shall have attained the age of twenty-one years, and resided therein six months previous to the election, shall be entitled to vote for the said Intendant and Wardens, and no person shall be eligible as Intendant or Warden, unless he shall be a freeholder residing within the corporate limits of said village.

Elections.

III. The election of Intendant and Wardens of the said village shall be held at the church, or some other convenient public place in said village, from ten o'clock in the morning until two o'clock in the afternoon; and when the polls shall be closed, the Managers shall forthwith count the votes and proclaim the election, and give notice in writing to the persons elected. The Clerk of the Court of Common Pleas of Abbeville District shall give the legal notice, and appoint the Managers for the first election; the Intendant and Wardens, for the time being, shall always appoint three Managers to hold the ensuing election, and for any subsequent election, whenever there shall not be an Intendant and Wardens to order the same, the Clerk of the Court of Common Pleas for Abbeville District shall act. The Managers shall, before they open the polls for said election, take an oath fairly and impartially to conduct the same, and the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of Cokesbury, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been appointed: So help me God." And if any person, on being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Town Council of Cokesbury, the sum of twenty dollars for the use of said village: *Provided*, No person shall be compelled to serve more than one year in any term of three years.

IV. That in case a vacancy should occur in the office of Intendant or Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens, as the case may be, ten days' previous notice having been given; and in case of sickness or temporary absence of the Intendant, the Wardens forming a Council, shall be empowered to elect one of the Wardens to act in his room during the time.

V. That the Intendant and Wardens, duly elected and qualified,

shall, during their term of service, severally and respectively, be vested with all the powers of Magistrates in this State, within the limits of the said village, except the power to hear and try small and mean causes; and the Intendant shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, may constitute a quorum to transact business; and they shall be known by the name of the Town Council of Cokesbury, and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances. And the Intendant and Wardens shall have full power, under their corporate seal, to make all such rules, by-laws and ordinances respecting the roads, streets, markets and police of the said village, as shall appear to them necessary and requisite for the security, welfare and convenience of the said village, or for preserving health, peace, order and good government within the same; and the said Council may impose fines for offences against their by-laws, and appropriate the same to the public uses of said corporation; but no fine above the sum of twenty dollars shall be collected by the said Council, except by suit in the Court of Common Pleas: *And provided, also,* That no fine shall exceed fifty dollars, and also that nothing herein contained shall authorize the said Council to make any by-laws inconsistent with, or repugnant to, the laws of this State; and all the by-laws and ordinances the Council may make shall at all times be subject to revisal or repeal by the Legislature of this State.

VI. That the power and duty of organizing, superintending and regulating the patrol in the said village, be, and the same is hereby, transferred to the said Council, and for that purpose the said Council is vested with the powers in that respect exercised by the officers of a beat company and courts martial, and severally and collectively the members of the said Council are made subject to like penalties for neglect of duty. No ordinance, however, shall diminish the quantity of duty or reduce the fines for neglect of duty, which is now, or hereafter may be, provided for by law.

VII. That the Intendant and Wardens shall have the full and only power of granting licenses for billiard tables, to keep taverns, or retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same conditions as they now are or may hereafter be granted by Commissioners of Roads, under the laws of this State; and the powers vested in the Commissioners of Roads are hereby granted to the said Intendant and Wardens within the said limits; and all money paid for licenses and for fines and forfeitures for retailing spirituous liquors, keeping taverns and billiard tables within the said limits without license, shall be appropriated to the public use of said corporation.

VIII. That it shall be the duty of the said Intendant and Wardens to keep all roads, ways and streets within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted to Commissioners of Roads, and for neglect of duty therein, they shall be liable to the same penalties as are imposed on Commissioners of Roads. The Intendant and Wardens shall have power to compound with all persons liable to work on said roads, ways and streets, to release such persons as

A. D. 1852.

Powers of
Intendant and
Wardens.

Fines not to
exceed \$50.

Patrol.

To grant li-
censes.

To keep good
roads.

A. D. 1852.

may desire it upon the payment of such sum as they may deem a fair equivalent therefor, to be applied by them to the use of said corporation; and no person residing within the said limits shall be liable to work on any road without the said limits.

IX. The Intendant and Wardens shall have power to appoint Marshals, who shall be duly sworn in and invested with all the powers Constables now have by law, and whose jurisdiction and authority shall be confined within the corporate limits of said village.

Intendant and
Wardens liable to indictment.

X. That for any wilful violation or neglect of duty, mal-practice, abuse or oppression, the said Intendant and Wardens, severally, shall be liable to indictment, and, upon conviction, to be fined at the discretion of the Court, not exceeding one hundred dollars and removal from office, besides being liable for damages to any person injured.

Public Act.

XI. This Act shall be taken and deemed to be a public Act, and shall continue of force for twenty-one years, and until the end of the session of the Legislature then next following.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4111. AN ACT TO OPEN AND EXTEND PITT STREET, IN THE TOWN OF MOUNT PLEASANT, TO HIBBEN STREET.

Pitt street
extended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Pitt street, in the town of Mount Pleasant, as delineated by a plot of the same, made by F. Litchfield, in the year of our Lord one thousand eight hundred and eleven, be, and the same is hereby, further extended until it shall intersect Hibben street, and that S. Riley, T. D. Wagner, John Hamlin, C. D. Carr and W. C. Venning be appointed to open and lay out the said street.

Commissioners to make assessments.

II. That the said Commissioners, after having first taken an oath faithfully and impartially to discharge the duty hereby imposed upon them, shall have full power and authority to award such compensation to those who may be injured by the opening and extension of the said street, as they may deem proper after a full and fair examination of the premises, and to assess the persons who may be benefitted thereby, in such sums as they may adjudge equivalent to the benefits derived by them respectively from the opening and extension of said street; and upon the death, resignation or refusal to serve, of any of the said Commissioners, those who may remain and consent to act shall have full power to nominate and appoint a

successor or successors to fill such vacancies, who shall proceed to complete the object of this Act.

A. D. 1852.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INSPECTION OF FLOUR." No. 4112.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to provide for the Inspection of Flour," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be, and the same is hereby, so amended, that hereafter flour of wheat, rye or corn, which has been previously inspected in any port of any other State of the United States, by the authority of the laws thereof, shall not be liable to re-inspection in this State, or to any of the provisions or regulations of the said Act.

Flour previously inspected to be free.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE STATE TO AID IN THE CONSTRUCTION OF THE SPARTANBURG AND UNION RAILROAD." No. 4113.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to authorize the State to aid in the construction of the Spartanburg and Union Railroad," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be so altered and amended as to read as follows: That whenever satisfactory proof is produced to the Comptroller General that five hundred thousand dollars are duly subscribed by responsible persons, or corporate bodies, to the capital stock of the Spartanburg and Union Railroad Company, and that the said company has been duly organized, he is hereby authorized to subscribe on the part of the State two hundred and fifty thousand

When the Comp. General is to subscribe for the State.

A. D. 1852.

dollars to the said capital of said company, to be paid in the stock held by the State in the South Carolina Railroad Company, equal at its par value to the said sum, and that he take, in the name of the State, a certificate from the said company for that amount of stock, which said stock in the South Carolina Railroad Company shall be accepted by the said Spartanburg and Union Railroad Company for the said amount, without any recourse whatever against the State.

II. That the subscription shall be paid in the manner and subject to the terms and conditions hereinafter expressed.

When the State subscription to be paid.

III. That whenever satisfactory proof shall be produced to the Comptroller General that the sum of one hundred and fifty thousand dollars shall have been paid by the stockholders and expended in the construction of said road, the Comptroller General shall transfer and deliver to said company so much of the stock of the State in the South Carolina Railroad Company as shall amount, at its par value, to one hundred and fifty thousand dollars; and when similar proofs shall be produced to the Comptroller General that one hundred thousand dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver fifty thousand dollars more of said stock to said company, and in the same manner the remaining subscription of fifty thousand dollars shall be paid to the said company when the road shall be finished and in operation.

State not liable for debts.

IV. That the State shall in no way whatever be liable for the debts and contracts of the said railroad company.

V. That the State shall have the same rights in the company and in its management as is reserved to private stockholders, and the General Assembly shall at any time have a right to examine into the condition of the said company, and the said company shall, annually, submit to the Legislature a report exhibiting its condition and prospects.

To join the Greenville and Columbia Railroad or Charlotte Railroad.

VI. That an irrevocable condition is hereby imposed upon said company, that said company shall locate the Spartanburg and Union Railroad so as to form a junction at some convenient and practicable point with the Greenville and Columbia Railroad, or at some convenient and practicable point with the Charlotte and South Carolina Railroad.

VII. That it shall not be lawful for said company to prevent any other rail or plank road company from crossing its track, or any branch thereof, but such crossing of tracks shall be regulated in every instance on such terms and conditions as may be reciprocally convenient to the two companies, and conducive to the public interest.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE AID IN THE CONSTRUCTION OF THE
CHERAW AND DARLINGTON RAILROAD.

A. D. 1852.

No. 4114.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory proof is produced to the Comptroller General, within two years after the passing of this Act, that two hundred thousand dollars are duly subscribed, by responsible persons, to the capital stock of the Cheraw and Darlington Railroad Company, and that the said company has been duly organized, he is hereby authorized to subscribe, on the part of the State, one hundred thousand dollars to the said capital of said company, to be paid in the shares held by the State in the Charlotte and South Carolina Railroad Company, equal at its par value to the said sum; and that he take in the name of the State a certificate from the said company for that amount of stock, which said shares in the South Carolina Railroad Company, and in the Charlotte and South Carolina Railroad Company, shall be accepted by the said Cheraw and Darlington Railroad Company for the said amount, without any recourse whatever against the State: *Provided*, That no subscription shall be made by the State, unless the Cheraw and Darlington Railroad Company shall provide for the formation of a connection, by their main track, with the railroad of the North Eastern Railroad Company, on such terms and conditions as shall be agreed on between the companies; and in case of disagreement, their differences shall be referred to one of the Chancellors for decision.

When the
Comp. General
is to subscribe
for the State.

Proviso.

II. That the subscription shall be paid in the manner and subject to the terms and conditions hereinafter expressed.

III. That whenever satisfactory proof shall be produced to the Comptroller General that the sum of fifty thousand dollars shall have been paid by the stockholders, and expended in the construction of said road, the Comptroller General shall transfer and deliver to said company so many of the shares of the State in the South Carolina Railroad Company as shall amount, at their par value, to fifty thousand dollars; and when similar proofs shall be produced to the Comptroller General that fifty thousand dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver twelve thousand five hundred dollars of the shares held by the State in the South Carolina Railroad Company, and twelve thousand five hundred dollars of the shares held by the State in the Charlotte and South Carolina Railroad Company, to the said company, and in the same manner the remaining subscription of twenty-five thousand dollars shall be paid to the said company by a transfer of shares held by the State in the Charlotte and South Carolina Railroad Company, equal at their par value to twenty-five thousand dollars, when the road shall be finished and in operation.

When the
State subscrip-
tion is to be
paid.

IV. That the State shall in no way whatever be liable for the debts and contracts of the said railroad company.

V. That the State shall have the same rights in the company and in its management as is reserved to private stockholders, and the General Assembly shall at any time have a right to examine into the condition of the said company, and the company shall, annually,

Rights of the
State.

A. D. 1852.

Roads to
cross on certain
conditions.

submit to the Legislature a report exhibiting its condition and prospects.

VI. That it shall not be lawful for the said company to prevent any plank or railroad company from crossing its main track or any branch thereof, but such crossing of tracks shall be regulated on such terms and conditions as shall be suitable to the convenience of the two companies, and conducive to the interest of the public.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4115. AN ACT TO VEST THE RIGHT, TITLE AND INTEREST OF THE STATE IN THE PROCEEDS OF THE SALE OF THE PERSONAL ESTATE OF DANIEL MCGILL, DECEASED, IN CATHARINE McDONALD, WIFE OF DONALD D. McDONALD.

Title vested
in Catharine
McDonald.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest which the State may have in the fund arising from the sale of the personal estate of Daniel McGill, late of the District of Marlborough, who is said to have died a minor, having no heirs, which fund is in the hands of the administrators of the said Daniel McGill, he, and the same is hereby, vested in Catharine McDonald, wife of Donald D. McDonald, of the said District of Marlborough, her executors, administrators and assigns.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4116. AN ACT TO INCORPORATE THE BLUE RIDGE RAILROAD COMPANY IN SOUTH CAROLINA.

Preamble.

Whereas the State of Georgia has granted to the Blue Ridge Railroad Company a charter for the construction of a railroad from a point on the boundary line between North Carolina and Georgia, called the Locust Stake, by the most practicable route to Clayton, in Rabun County, to connect with the South Carolina Railroads at Anderson Court House; and whereas it is highly expedient, as well

for the interest of a large portion of the people of North Carolina, Tennessee and of Georgia, as of South Carolina, that such a railroad communication should be established, but such communication cannot be effected without the co-operation of this State, in opening a way for the same along that part of the proposed route which is in South Carolina:

A. D. 1852.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the subscribers to the capital stock hereinafter mentioned, and their assignees, shall be a body politic and corporate, by the name and style of the Blue Ridge Railroad company in South Carolina, for the purpose of constructing a railroad connection between the Greenville and Columbia Road and the Georgia line; and by said corporate name shall be able and capable in law to purchase, hold and convey real and personal estate, to have a common seal, make contracts, sue and be sued, and do all lawful acts properly incident to a corporation, and necessary and proper for the construction of the works and management of the business for which said company is incorporated.

II. That the capital stock of said company shall be two millions five hundred thousand dollars, in shares of one hundred dollars; and it shall be lawful for the said company, from time to time, and at any time, to increase their capital to a sum or amount not exceeding four millions of dollars; and it shall be lawful for the Board of Directors, for the time being, to prescribe the terms and conditions of subscribing to the additional capital, provided that no subscription, without the previous or actual payment at the time of the cash instalment hereinafter mentioned, shall ever be received.

Capital stock.

III. That for the original capital stock of two millions five hundred thousand dollars, books of subscription shall be opened at Pendleton, Anderson Court House, Abbeville, Newberry, Columbia and Charleston, by three Commissioners at each place, to wit: At Pendleton, E. B. Benson, J. S. Lorton and J. V. Shanklin; at Abbeville, Isaac Branch, H. A. Jones, John McIlvain; at Newberry, J. B. McMorris, B. J. Ramage and W. H. Harrington; at Columbia, J. V. Lyles, James S. Scott and W. S. Wood; at Charleston, W. H. Gilliland, Robert Adger and W. M. Lawton; at Anderson C. H., B. F. Crayton, J. P. Reed and J. W. Harrison; and the books shall be opened in each of the said places on the same day, viz: on the fifteenth day of January next. And the said Commissioners shall have authority to do all acts that may be incident or proper to the discharge of their duties, and shall give twenty days' notice of the opening of the books, and shall receive subscriptions for any number of shares from individuals, companies or corporations, and shall deliver to the subscriber a certificate of the number of shares subscribed and the payments made thereon; and the said books of subscription shall remain open ten days, and on the last day each set of Commissioners shall transmit to the Commissioners in Charleston a list of the subscribers, with the number of shares subscribed, and cash paid by each, and shall pay over the cash in their hands to the Bank of the State, in Charleston, or the Branch in Columbia, subject to the order of the company after its organization; and if it should not be organized, then subject to the order

Books to be opened.

A. D. 1852.

of the depositors, to be refunded to the subscribers. And thereupon the Commissioners in Charleston shall, from all the lists, make an account of the whole sums subscribed and paid, and the names of the subscribers; and if the amount subscribed shall fall short of five hundred thousand dollars, the Commissioners shall take measures forthwith to refund to the subscribers the amounts severally paid by them. But if the subscriptions shall amount to five hundred thousand dollars, the company shall be forthwith organized; and for the residue of the stock of the said company a book shall be opened and kept open till the whole amount of the capital stock shall be subscribed: *Provided*, That no subscription shall be received, either before or after the organization of the company, upon any other terms than the cash payment of five dollars upon each share as a condition precedent of such subscription.

When organized.

Election of Directors.

IV. That as soon as the state of the subscriptions shall authorize the organization of the company, it shall be the duty of the Commissioners in Charleston to announce that the company will be formed, and to appoint a time and place for the subscribers to attend, and to give one month's public notice thereof, at which time and place the subscribers may attend in person, or be represented and vote by proxy in writing, at which meeting the Chairman of the Charleston Commissioners shall preside, and hold an election for nine directors, to be chosen from the body of the subscribers, and each subscriber shall have one vote for every share to which he is entitled, and the Chairman shall cause a record to be made of the proceedings, and shall declare the persons having the highest number of votes duly elected.

Officers to be chosen.

V. That the Directors shall choose one of their own number as President, and shall also choose a Secretary and Treasurer for one year, who shall give bond and security, in such sum or sums as the Directors may require; and the Directors shall be annually chosen in the same manner as hereinbefore directed, by the stockholders, and shall elect one of their number to be President; and, in case of a vacancy occurring in the Board, between the stated periods of election, the Directors, or a majority of them, may fill such vacancy by electing a Director from the stockholders, or a President from their own body, and the said Directors may hold elections for officers at any day, should it occur that the regular time of electing should pass without such election, upon giving ten days' notice thereof.

To hold property.

VI. That the said company shall have power to purchase and hold in fee simple, to them and their successors, any lands, tenements or hereditaments that they may find necessary for the site or road bed of the said railroad, and any lands contiguous to or in the vicinity of the said railroad, that may be necessary for procuring materials for constructing or repairing said road, and such as may be necessary for erecting toll houses, store houses, and other buildings and accommodations that may be necessary or useful to said railroad or the business thereof; and also, all rights of way on land and all necessary privileges on water courses that may lie on or across the route of said road; and the said company shall have power to conduct such railroad across any public road or highway that may lie on the route of said railroad: *Provided*, The said

Proviso.

company shall so construct said railroad across all public roads as not to injure or obstruct the same.

A. D. 1852.

VII. That in all cases where any lands or private rights of way may be required by the said company for the purposes aforesaid, and the same cannot, for want of agreement of the parties as to price, or for any other cause, be purchased from the owner or owners, the same may be taken at a valuation to be made by Commissioners, or a majority of them, to be appointed by the Court of Common Pleas of the District where any part of the land or right of way may be situated: and the proceedings in such case shall, in all respects, conform to the provisions and regulations for such purpose contained in the tenth Section of the Act passed on the thirteenth day of January, in the year one thousand eight hundred and twenty-eight, for amending the Act to authorize the formation of a company for constructing railroads or canals from the city of Charleston to the towns of Columbia, Camden and Hamburg.

Commissioners to assess property.

VIII. That the said Blue Ridge Railroad Company, in South Carolina, shall have the sole and exclusive right of transportation and conveyance of persons, produce, merchandise, and all other things over and along said railroad, as long as they see fit to exercise said right; and said company, in the exercise of said right, shall be regarded as common carriers, and liable as such; and said company shall be authorized to fix by by-laws the charges and rates of transportation and carriage on said railroad, and to call on the stockholders for the payment of such instalments on the shares subscribed as they may deem necessary and expedient for the prosecution and completion of the aforesaid railroad, and the works therewith connected, until the whole of the stock subscribed for is paid in; and the Board of Directors shall give ninety days' notice in a public gazette by publication once a month of the amount of the instalments so required to be paid and the time of payment; and the failure of any stockholder to comply with such demand of payment, in addition to the liability to the recovery thereof by suit, shall induce a forfeiture of the share or shares on which such default shall be made, and of all preceding payments thereon, and the same shall vest in, and belong to the company at their election, and may be appropriated as they may see fit to the purposes for which the company is chartered. And the power of making by-laws, appointing such officers and agents as the business of the company may require, and of entering into contracts in its behalf, and controlling generally its affairs, shall be exercised by the President and Directors of the company; and said President and Directors shall be authorized, from time to time, to make all by-laws and regulations touching said road and the business thereof, which may be deemed expedient: *Provided*, They make none repugnant to the laws of the land.

Rights as common carriers.

Instalments, how to be called in.

IX. That if any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct, or shall wilfully and maliciously cause or aid, or assist, or counsel and advise any other person or persons to destroy, or in any manner hurt, damage, injure, or obstruct the said railroad, or any branch thereof, or any bridge or vehicle used for or in the transportation thereon, such person or persons so offending, shall be liable to be indicted therefor, and on

Penalty for obstructing road.

A. D. 1852.

conviction, shall be imprisoned not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the Court before which such conviction shall take place, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading, or giving in evidence that he was the owner, or agent or servant of the owner, or agent of the land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

To make
branches.

X. That it shall be lawful for the said Blue Ridge Railroad Company, in South Carolina, to build or make one or more branches of the said road: *Provided*, Such branches shall not conflict with any chartered rights at the time of their construction.

XI. That it shall and may be lawful for the said company to combine with any other railroad, having the privilege so to do, and to consolidate the management of the companies so combining, and to make any regulation for such combination of interests and management as the public good may require, and to them may seem meet.

Scrip to be
issued.

XII. That the President and the company hereby incorporated, as soon as may be after the organization of the company, shall issue to each subscriber scrip or certificates of the stock held by him, and of the amount paid thereon, and the shares of said stock held by any person shall be assignable and transferable in law, and the Board of Directors shall and may regulate the mode of issuing certificates and making transfer of stock.

Faith of the
State pledged
as security for
loan.

XIII. That the faith and funds of the State of South Carolina be, and the same are hereby, pledged to secure the punctual payment of any contracts which shall be made for borrowing money by the Blue Ridge Railroad Company, in South Carolina, from any person or persons, company or companies, corporation or corporations, to any amount not exceeding one million two hundred and fifty thousand dollars, either in the United States or in Europe, and when such contracts shall be made by bond or bonds signed by the President of the said company, under its seal, and countersigned by the Secretary or Treasurer thereof, it shall be the duty of the Comptroller General of this State to endorse thereon, that the faith and funds of the State of South Carolina are pledged to the faithful performance of the said contract or contracts, as it respects the punctual payment, both of the principal and interest, according to the terms of the said contract or contracts: *Provided*, That the interest to be made payable thereon, shall not exceed six per cent. per annum, in quarterly or half yearly payments: *And provided, also*, That the Comptroller General shall not endorse any such contract or contracts, until satisfactory proof is produced to the Governor of the State, or the Comptroller General, that five hundred thousand dollars are duly subscribed by responsible persons, companies or corporations to the capital stock of the said Blue Ridge Railroad Company, in South Carolina: *And provided, further*, That such endorsement shall not be made until the Governor or Comptroller General shall have satisfactory proof that such subscriptions have been made, or aid furnished to other railroad companies in North

Proviso

Carolina and Tennessee, designed to connect the said Blue Ridge Railroad with the Georgia and East Tennessee Railroad, as shall give reasonable assurance of the construction of the said North Carolina and Tennessee Railroads.

A. D. 1852.

XIV. That as soon as the Comptroller General shall have made any such endorsement on any such contract, the whole estate, property and funds, within the State, which the said company may then possess, or shall afterwards acquire, shall thenceforth stand pledged and mortgaged to the State, without any further act or deed on the part of the company, for the faithful and punctual performance, on the part of the said company, of such contract, in priority and preference of any other debt which the said company may then or at any other time owe: *Provided*, That nothing herein contained shall be construed to prevent the said Blue Ridge Railroad Company, in South Carolina, from applying the proceeds of the loan so made by them, and the instalments which may be called for and paid in, on the stock of the company, for the purposes of constructing, equipping and working the road, and for no other purpose, except to pay the interest on the said loan or loans, and the ultimate extinguishment of the principal thereof: *And provided, further*, That so long as no part of the principal of the debt of the company under the contracts aforesaid, shall be due and unpaid, it shall be lawful for the company to divide among its stockholders its surplus nett income, after payment of the interest due upon its debts: *And provided, further*, That the Comptroller General shall not endorse, as aforesaid, any such bond or bonds, until the stockholders in the said company shall have paid in two hundred and fifty thousand dollars, and the same shall have been expended in the construction of the road; whereupon, the Comptroller General shall be authorized to endorse such bonds to an amount not exceeding six hundred and twenty-five thousand dollars, and when two hundred and fifty thousand dollars more shall have been paid in by the stockholders, and expended as aforesaid, he shall be authorized to endorse such bonds to the further amount of six hundred and twenty-five thousand dollars: *And provided, also*, That none of the said bonds endorsed as aforesaid, shall be issued or sold, unless the said company shall receive therefor their full par value, and if any bonds so endorsed shall be sold or issued in violation of this condition the endorsement thereon shall be void.

Road and property in the State to be considered mortgaged to the State.

The bonds, when to be endorsed by the Comptroller.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE STATE TO AID IN THE CONSTRUCTION OF THE NORTHEASTERN RAILROAD. No. 4117.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of

A. D. 1852.

State to sub-
scribe \$250,000
of S. C. Rail-
road stock.

Proviso.

the same, That whenever satisfactory proof is produced to the Comptroller General that six hundred thousand dollars are duly subscribed, by responsible persons or corporate bodies, to the capital stock of the Northeastern Railroad Company, and that the said company has been duly organized, he is hereby authorized to subscribe, on the part of the State, two hundred and fifty thousand dollars to the said capital of said company, "from which however is to be deducted any amount which may have been heretofore subscribed by the Bank of the State for shares in the said company," to be paid in the stock held by the State in the South Carolina Railroad Company, equal at its par value to the said sum, and that he take, in the name of the State, a certificate from the said company for that amount of stock, which said stock in the South Carolina Railroad Company shall be accepted by the said Northeastern Railroad Company for the said amount, without any recourse whatever against the State: *Provided*, That no subscription shall be made by the State unless the Northeastern Railroad Company shall provide for the formation of a connection by their main track with the railroad of the Cheraw and Darlington Railroad Company, on such terms and conditions as shall be agreed on between said companies; and in case of disagreement, their differences shall be referred to one of the Chancellors for decision.

II. The subscription shall be paid in the manner and subject to the terms and conditions hereinafter expressed.

Instalments
by the State,
when to be
paid.

III. Whenever satisfactory proof shall be produced to the Comptroller General that the sum of one hundred thousand dollars shall have been paid by the stockholders, and expended in the construction of said road, the Comptroller General shall transfer and deliver to said company so much of the stock of the State in the South Carolina Railroad Company as shall amount at its par value to one hundred thousand dollars; and when similar proofs shall be produced to the Comptroller General that one hundred thousand dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver one hundred thousand dollars more of the said stock to said company, and in the same manner the remaining subscription of fifty thousand dollars shall be paid to the said company, when the road shall be finished and in operation, and in the like proportion should the subscription on the part of the State be reduced, as stated in the first Section.

State not lia-
ble for its
debts.

IV. The State shall in no way whatever be liable for the debts and contracts of the said railroad company.

Annual re-
port to be sent
to the Legisla-
ture.

V. The State shall have the same rights in the company and its management as are reserved to private stockholders, and the General Assembly shall, at any time, have a right to examine into the condition of the said company, and the company shall annually submit to the Legislature a report exhibiting its condition and prospects.

VI. That it shall not be lawful for the said company to prevent any other rail or plank road company from crossing its track, or any branch thereof, but such crossing of tracks shall be regulated in every instance on such terms and conditions as may be recipro-

cally convenient to the two companies, and conducive to the public interest.

A. D. 1852.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ARRANGE THIS STATE INTO DISTRICTS FOR THE No. 4118.
ELECTION OF REPRESENTATIVES IN THE CONGRESS OF THE
UNITED STATES, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this State be, and is hereby, divided into six Districts, for the purpose of electing Representatives from this State to the Congress of the United States, of which the united Districts of Lancaster, Chesterfield, Marlborough, Darlington, Marion, Williamsburg, Horry and Georgetown shall constitute one District, to be designated the First Congressional District; the District of Charleston, exclusive of the Parish of St. John's, Colleton, shall constitute one District, to be designated the Second Congressional District; the united Districts of Beaufort, Barnwell, Orangeburg, Colleton, and the Parish of St. John's, Colleton, shall constitute one District, to be designated the Third Congressional District; the united Districts of Lexington, Edgefield, Newberry, Laurens and Abbeville shall constitute one District, to be designated the Fourth Congressional District; the united Districts of Anderson, Pickens, Greenville, Spartanburg and Union shall constitute one District, to be designated the Fifth Congressional District; the united Districts of York, Chester, Fairfield, Richland, Kershaw and Sumter shall constitute one District, to be designated the Sixth Congressional District; and each of the said Districts, so constituted, shall send one Representative to the House of Representatives of the United States, who shall be chosen by the persons qualified to vote for members of the House of Representatives of this State.

Districts.

II. That the election of Representatives from this State to the next Congress shall be held on the fourth Monday in February next, and the day following, at the same places, and be conducted by the same Managers, and in the same manner as the election of members of the State Legislature; and the person who shall have the greatest number of votes in the several Districts thus constituted shall be the member for that District to the House of Representatives in the next Congress of the United States from this State.

Next election to be held in February.

III. That the elections of members of the House of Representatives of the United States from this State, after the next election, shall be held at the same time, and conducted by the same Managers, and in the same manner as the elections of members of the

Future elections to be held usual time.

A. D. 1852.

State Legislature, and the person having the greatest number of votes in any Congressional District, at any of the said elections, shall be the Representative of that District in the Congress of the United States.

IV. That the votes, when returned to Columbia, shall be counted by his Excellency the Governor and Commissioners whom he may call to his assistance, on the fourth Monday in March next, and by proclamation he shall announce the persons elected as by law now provided.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4119. AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN AND TO CERTAIN ESCHEATED PROPERTY IN CERTAIN PERSONS THEREIN MENTIONED.

Property of C.
B. S. Gulden.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest which the State may have in certain real estate in the city of Charleston, lately held by Christina B. S. Gulden, deceased, that is to say: two certain lots of land on the south side of Elliott or Bridge street, in the said city, adjoining each other, and measuring each one hundred feet in front by one hundred and seventy-two feet in depth, more or less, the easternmost of said lots being known by the number (12) twelve, be, and the same is hereby, vested in Robert Adger, executor of the last will and testament of the said Christina B. S. Gulden, in trust, for the uses of the said will.

Elizabeth
Counts.

II. That all the right, title and interest which the State has in the real and personal estate of Arthur J. Counts, an illegitimate, be vested in Elizabeth Counts, her heirs and assigns.

C. F. Levy.

III. That all the right, title and interest which the State may have in the real estate of Margaret Elliott, John Mason and Joseph Mason, deceased, be vested in Charles F. Levy, his heirs and assigns.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT IN RELATION TO THE EXECUTION OF SLAVES AND
FREE PERSONS OF COLOR.

A. D. 1852.

No. 4120.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act it shall be the duty of Magistrates and freeholders, who shall convict any free negro, slave or other person of color, subject to the jurisdiction of such court, of any capital offense, and sentence such person to capital punishment, to direct the warrant of execution to the Sheriff of the judicial district in which the offense was committed, whose duty it shall be to execute such sentence at the time and place specified in said warrant, and for which he shall be entitled to one-half the compensation now allowed by law for executing a white person. And in case of default herein by the Sheriff, he shall be liable to all the punishments now provided by law, for the punishment of official misconduct of district officers, passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine.

Sheriff to execute the law.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RE-CHARTER THE PLANTERS' & MECHANICS' BANK OF SOUTH CAROLINA, THE UNION BANK OF SOUTH CAROLINA, THE COMMERCIAL BANK OF COLUMBIA, SOUTH CAROLINA, AND TO INCORPORATE THE EXCHANGE BANK OF COLUMBIA, THE FARMERS' & EXCHANGE BANK, AND THE PEOPLE'S BANK OF CHARLESTON, THE BANK OF NEWBERRY, THE BANK OF CHESTER, THE BANK OF SUMTERVILLE, THE PLANTERS' BANK OF FAIRFIELD, AND THE WESTERN BANK OF SOUTH CAROLINA, AT ANDERSON. No. 4121.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Planters' & Mechanics' Bank of South Carolina be, and the same is hereby, renewed for the term of twenty-one years from and after the first day of January next, which will be in the year of our Lord one thousand eight hundred and fifty-three.

Charter renewed.

II. That said bank shall, during the said term of twenty-one years, be permitted to enjoy all the privileges, rights, powers, immunities and benefits which it now enjoys under the existing charter of said bank, and the said bank shall be subject to all the provisions of an Act, passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An

Subject to Act of 1840.

A. D. 1852.

Act to provide against the suspension of specie payments by the banks of this State," and also to such regulations and restrictions as the Legislature shall from time to time impose.

Capital liable to taxation by the State.

III. That the capital stock and other property of the said Planters' & Mechanics' Bank, and all the other banks hereby re-chartered or incorporated, shall be liable to taxation in the same manner as the capital stock and property of individuals and of other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of said banks without authority first had and obtained from the Legislature.

Liability of stockholders.

IV. That in case of the failure of said bank, each stockholder, copartnership or body politic, having a share or shares in such bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound, individually, for any sum not exceeding twice the amount of his, her or their share or shares.

Not to pay out bills of other banks.

V. It shall not be lawful for the said bank, except in settlements with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check or other paper of any other bank. And for each and every violation of this Section the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt, at the suit of the State, and appropriated, one half to the use of the State and the other half to the informer.

Bills receivable for taxes while paying specie.

VI. The bills or notes of the said bank shall be receivable by the Treasurers, Tax Collectors, and other public officers, in payment for taxes and other moneys due to the State, no longer than while the said bank shall promptly pay, on demand, gold and silver current coin for their notes; but whenever the said bank shall refuse or delay to pay any of their notes in gold or silver current coin, or whenever there shall be a protest on any of the bills or notes of the said bank for non-payment in specie, it shall be the duty of the Comptroller General to forbid the receipt of the bills or notes of the said bank for taxes and other public dues, unless satisfactory reasons be shown him by the said bank for contesting, in a court of justice, the payment of such protested bills or notes.

Charters of the Union and of the Commercial Banks renewed.

VII. That the charters of the Union Bank of South Carolina, and the Commercial Bank of Columbia, South Carolina, be also renewed, from the period at which their charters respectively expire, for the same time and with the same rights, privileges and obligations, and subject to the same regulations and restrictions as hereinbefore provided in relation to the said Planters' & Mechanics' Bank.

Names of new banks.

VIII. That the following eight banks are hereby incorporated, to be named and known as follows, to wit: One in Columbia, to be known as the "Exchange Bank of Columbia," with a capital of five hundred thousand dollars, and with the privilege of increasing it to one million; one at Charleston, to be known as the "Farmers' & Exchange Bank of Charleston," with a capital of one million of dollars; one at Chester, to be styled the "Bank of Chester, South Carolina," with a capital of three hundred thousand dollars; one at Newberry, to be styled the "Bank of Newberry, South Carolina," with a capital of three hundred thousand dollars; one at Winns-

borough, to be styled the "Planters' Bank of Fairfield," with a capital of three hundred thousand dollars; one at Anderson, to be styled the "Western Bank of South Carolina," with a capital of three hundred thousand dollars; one at Sumterville, to be styled the "Bank of Sumterville," with a capital of three hundred thousand dollars; and one at Charleston, to be styled the "People's Bank of South Carolina," with a capital of one million dollars; which said banks shall have and possess the same rights and privileges, and be subject to the same duties, liabilities, obligations, regulations and restrictions herein provided for the said Planters' & Mechanics' Bank, and Union Bank and Commercial Bank. The capital stock of each of the said eight banks shall be divided into shares of twenty-five dollars each.

IX. The Comptroller General shall be authorized to appoint fit and proper persons as Commissioners at Columbia and Charleston, or elsewhere, as he may decide, to open subscriptions, between the first day of April and the first day of July next, to the capital stock of the eight banks respectively named in the foregoing Section, and to require five dollars on each share from subscribers in specie or notes of specie paying banks of this State, and shall deposit the same in such bank as a majority of the subscribers shall designate, for the use of the respective banks, on the first meeting of the subscribers. That as soon as the subscription shall respectively be filled to the amount of the capital stock of each of the banks respectively hereinbefore named, it shall be the duty of the Comptroller General to notify said subscribers to meet, who shall thereupon become a body corporate, with the same privileges and rights as the stockholders of the banks whose charters are hereby renewed, and make all by-laws not inconsistent with the laws of the land, to provide for the election of officers, the division of the capital stock as aforesaid, the payment of the subscriptions and all arrangements to put into operation the charters hereby granted: *Provided*, That no one of the banks hereby incorporated for the first time, shall issue any bill or note or transact business until satisfactory proof shall be given to the Comptroller General that one-half of the capital stock of each bank has been paid in, one moiety thereof in gold or silver, and the other moiety in notes of specie paying banks: *And provided, further*, That in case of over subscription to the stock of any of the foregoing banks, the said subscription shall be reduced *pro rata*, but no subscription of five shares or under shall be reduced; and it shall not be lawful for any person to subscribe for shares in the name of other persons.

X. No loan shall be made on pledge of stock of any of the said banks until one year after the whole capital shall have been paid in.

XI. The officers of the banks above named shall not be exempt from militia duty or from serving on juries.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1852.

Comptroller
General to ap-
point Commis-
sioners to re-
ceive subscrip-
tions.

When sub-
scribers be-
come a cor-
porate body.

Proviso.

Over sub-
scriptions to be
reduced *pro
rata*.

A. D. 1852.

No. 4122.

AN ACT TO AUTHORIZE THE CONVEYANCE OF CERTAIN PARCELS OF LAND, IN FEE SIMPLE, TO THOMAS BENNETT AND JAMES FULLER, UPON CERTAIN CONDITIONS.

Attorney General to make title to Thomas Bennett.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Attorney General be, and he is hereby, authorized and empowered, (upon sufficient proof having been made before him that Thomas Bennett has paid the purchase moneys for two lots of land known as numbers "eleven" and "twelve," on the plan or map of the "Lines," of record in the office of Register of Mesne Conveyances for Charleston District due upon his purchase, at a sale of the same, made by order of the Commissioners for raising a Municipal Guard in the month of October, in the year of our Lord one thousand eight hundred and twenty-three,) to make and execute to the said Thomas Bennett a deed conveying to him, his heirs and assigns, forever, all the right, title and interest of the State of South Carolina in and to the said two lots of land: *Provided, however,* That the expenses of making the proof hereinbefore required, and of executing the title herein authorized to be made, shall be paid by the said Thomas Bennett.

Title to Jas. Fuller on paying \$200.

II. That upon the payment by James Fuller of the sum of two hundred dollars to the agent of the State for the sale of vacant lots in the town of Columbia, within three months from the passage hereof, the said agent be authorized to convey lots numbered twenty-nine (29) and thirty (30) in the town of Columbia to James Fuller, his heirs and assigns.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4123. AN ACT TO INCORPORATE THE BEAUFORT FEMALE SEMINARY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Thomas Fuller, Lewis R. Sams, Jacob D. Guerard, Robert W. Barnwell, Stephen Elliott, Henry M. Stewart, Edmund Rhett, Henry M. Fuller and Benjamin J. Johnson, and their successors, be, and they are hereby, declared a body politic and corporate, under the name and style of Trustees of the Beaufort Female Seminary, and by the said name shall have perpetual succession of

Name.

officers and members and a common seal, with power to change, alter and make new the same, as often as the said corporation shall judge expedient.

A. D. 1852.

II. That the said corporation shall be capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself, in perpetuity, or for any term of years, any lands, tenements or hereditaments or other property of what kind or nature soever, and to sell, alien or release the same as they shall think proper; and also, that it shall and may be lawful for the said corporation to take and hold forever any charitable donations, devises or bequests of land or personal property, and to appropriate the same to the purposes of the said corporation; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of law or equity in this State: *Provided, always,* That all such purchases, donations, devises and bequests of land or personal property, shall be exclusively appropriated to the establishing and endowing of a female seminary in the town of Beaufort, and shall not in the whole exceed the sum of twenty-five thousand dollars.

To hold and sell property.

Proviso.

III. That the said female seminary be under the management and control of the aforesaid Trustees or a quorum or Board thereof, to be chosen, appointed and perpetuated as follows: The said Trustees and their successors shall meet on the first Monday of March, in every year, at such place in the town of Beaufort as they may by notice designate, and the major part of those so met shall elect, by ballot, a President and such other officers as they shall think necessary for the year ensuing. On the death, resignation or removal from the State of any Trustee, the President, or, in his absence, the next presiding officer, shall, within three months thereafter, cause the other Trustees to be summoned to meet, and the Trustees who shall meet, or a majority of those so met, not less than a quorum being present, shall choose by ballot another Trustee in the place of the one so dying, resigning or removing, who shall be vested with all the powers and privileges of his predecessor.

Trustees to be annually elected by ballot.

IV. That the said Trustees, or a majority of them, shall have full power and authority, from time to time, to make, constitute and establish such and so many by-laws, rules and orders as to them shall seem necessary and convenient, which said by-laws, rules and orders so made, shall be binding upon all persons in anywise connected with the said seminary.

Powers of the Trustees.

V. That this Act shall be deemed a public Act, and shall be judicially taken notice of as such, without special pleading.

Declared a public Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1852.
 No. 4124.

A BILL TO ALTER AND AMEND THE CONSTITUTION SO AS TO CHANGE THE NAME OF THE ELECTION DISTRICT OF SAXE-GOTHA TO THAT OF LEXINGTON, AND TO EXTEND ITS BOUNDARIES TO ITS PRESENT JUDICIAL LIMITS.

Name changed.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the amendment of the Constitution, ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, be amended to read as follows: The election District, called by the name of Saxe-Gotha, shall be changed to that of Lexington, and the boundaries thereof extended to the judicial limits of the same, as now fixed by law.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one: We certify that the above Bill has been read the present session, three times in the House of Representatives and three times in the Senate, and was agreed to by two-thirds of both branches of the whole representation on the second and third reading thereof.

ROBT F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America: We, the President of the Senate and Speaker of the House of Representatives, do certify, that the foregoing Bill has been read three times, on three several days in each House, and was agreed to by two-thirds of each House, by yeas and nays, in the terms of the Constitution of this State.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4125. A BILL TO ALTER THE CONSTITUTION OF THIS STATE SO AS TO DIVIDE PENDLETON INTO TWO ELECTION DISTRICTS.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Constitution of the State be altered and amended as follows: The District of Pendleton shall constitute two election Districts, to be called Anderson District and Pickens District. Anderson District shall include all the territory now constituting Anderson Judicial District, and Pickens District shall include all the territory now constituting Pickens Judicial District.

II. Each of the said Districts shall be entitled to elect one Senator and such a number of Representatives as they may respectively

be entitled to from time to time, according to the provisions of the Constitution now of force.

A. D. 1853.

III. That until the next apportionment of Representatives, Anderson District shall be entitled to four members in the House of Representatives, and Pickens District to three members.

Senator and
Representatives.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America: We certify that the above Bill has been read the present session, three times in the House of Representatives and three times in the Senate, and was agreed to by two-thirds of the whole representation.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE.

No. 4126.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the public treasury of this State for the use and service thereof, that is to say: fifty cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification as heretofore established; one-half cent per acre on all lands lying within the Catawba Indian boundary, to be paid by each grantee or lessee of said Indian lands, until otherwise directed by law; sixty cents per head on all slaves; two dollars on each free negro, mulatto or mustizoe between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collectors, to be incapable, from maims or otherwise, of procuring a livelihood; twenty-five cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; sixty cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of the law, the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, school-masters, school-mistresses and mechanics, and on the amount of commissions received by Vendue Masters and Commission Merchants; thirty cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and fifty-three, of all banks which for their present charters have not paid a bonus to the State; thirty cents per hundred dollars on the capital stock of all incorporated insurance companies; thirty cents per hundred dollars on the capital stock of all incorporated gas-light companies; fifteen cents per hundred dollars on all premiums taken in this State by the agencies of insurance companies and underwriters without the limits

Tax on lands.

Slaves and
free negroes.Lots and
buildings.Faculties and
professions.Banks and
incorporated
companies.Insurance
companies.

- A. D. 1853.
 Merchandise. of this State; twenty cents upon every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all the articles of trade, for sale, barter or exchange (the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall have made from the first day of January of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and fifty-four, either on his, her or their capital or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; twenty cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any kind whatsoever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.
- Public exhibitions. II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located.
- Payment. III. In making assessments for taxes on the value of taxable property used in manufacturing, or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.
- Manufactures and railroads. IV. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are hereby, required and enjoined, to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the Comptroller General shall return the same in his report.
- Taxes for support of police. V. That free negroes, mulattoes, mustizoes, be, and they hereby are, required to make their returns, and pay their taxes, during the month of March.
- Returns of free negroes.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4127. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State government, that is to say :

A. D. 1853.

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for contingent fund of the Executive Department, twenty thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

Executive Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature and the Attorney General and Solicitors, during the present session, twenty-one thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, four hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, nine thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division, at Columbia, before the twentieth day of February next; and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within three weeks after the adjournment of the Legislature; for Wm. F. Arthur, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, expenses for the election returns, fourteen hundred

Legislative Department.

A. D. 1853.

Judiciary
Department.

dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, five hundred dollars.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of ten Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said Court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for firewood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same Court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include expense of fuel; for firewood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Courts of Appeals, shall be paid by the Treasurer only upon warrants to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

Treasury
Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk's hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

South Carolina
College.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer

and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for the expenses of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

A. D. 1853.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-five thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, twenty-four thousand dollars, if so much be necessary; for the Commissioner to be appointed by the Governor to superintend the Public Works, one hundred and fifty dollars; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, seven thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the education of the Deaf and Dumb, and of the Blind, five thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding Taxes, as directed by the reports of the Committee of Ways and Means, and of Finance, and agreed to by the Legislature, three hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other Committees, one thousand dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

Ordinary
civil expenses.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper at Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard at Charleston, five hundred dollars; and for the support of the Arsenal and Military School at Charleston, sixteen thousand dollars, if so much be necessary; for the support of the Arsenal and Military School, at Columbia, eight thousand dollars, if so much be necessary; and the Arsenal School at Columbia, and Citadel School, at Charleston, shall be under the direction of the Board of Visitors of the said school, so that their support shall not exceed the appropriations respectively, to be drawn and accounted for to the Legislature by the said Board of Visitors; for the Military Account, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies throughout the State, fifteen hundred dollars,

Military ex-
penditures.

A. D. 1853.

if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the ensuing year, for all services in issuing all military commissions; and in lieu of any charge against the State for commissions for civil offices, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for additional appropriation for the support of Military Academies at Charleston and Columbia, three thousand dollars; for the purpose of paying the account of Glaze & Radcliffe, as recommended in the report of the Committee on the Military, to be drawn and expended as set forth in the same, and in the resolutions appended, nine thousand two hundred and eighty dollars; for repairing arms and Arsenal purposes in Charleston and Columbia, two thousand dollars.

Ordinary local expenses.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor at Charleston, four thousand five hundred dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, five hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry on Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Catawba Indians.

IX. For the support of the Catawba Indians, two thousand dollars, if so much be necessary, to be paid to the order of the Indian Agent, and to be expended under the direction of the Governor.

Public buildings.

X. FOR PUBLIC BUILDINGS.—To complete the new jail at Abbeville, six thousand four hundred and fifty dollars; to build a new jail in Charleston, thirty thousand dollars; to build a new jail at Chesterfield Court House, six thousand dollars; to build a new jail at Walterboro, ten thousand dollars; to complete the jail and purchase a lot for the same at Newberry, one thousand dollars; to enlarge the Court House at Georgetown, five thousand dollars; to enlarge Court House at Lancaster, four thousand dollars; to enlarge Court House at Darlington, four thousand dollars; to enlarge Court House at Lexington, three thousand dollars; to enlarge Court House at Williamsburg, five thousand dollars. The several amounts to be expended by the Boards of Commissioners of the several Districts respectively, and to be accounted for by them at the Treasury. And the Commissioners of Public Buildings for Colleton District are hereby authorized and empowered to sell the old jail and the lot of land attached thereto, and to apply the proceeds of sale to the purchase of another lot for the new jail, the said Commissioners to execute titles for the old jail and lot, possession of them not to be delivered until the new jail is completed and ready

for use. The title to the new lot purchased to be approved by the Solicitor of the Southern Circuit.

A. D. 1853.

XI. FOR EXTRAORDINARY EXPENSES.—For deepening the Sullivan's Island Channel of the Port of Charleston, four thousand dollars per month, (subject to the draft of the Commission on the Survey of Charleston Harbor,) out of any moneys in the Treasury which shall arise from dividends on the railway shares of the State; for the Medical College of the State of South Carolina, twenty thousand dollars; to enable the Trustees of the Charleston College to improve and extend their buildings, four thousand dollars; for the Lunatic Asylum, one hundred dollars, to be expended by the Regents in the purchase of books and a map of the State, for the use of the inmates.

Extraordinary expenses.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTERS OF CERTAIN TOWNS AND VILLAGES HERETOFORE INCORPORATED. No. 4128.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act incorporating the Town of Edgefield, together with the amendments thereto, be, and the same are hereby, revived and extended, and the said town shall have and enjoy all the rights, powers and privileges heretofore granted.

Town of Edgefield.

II. That the Act incorporating the Town of Greenville be so amended that the Town Council of Greenville be, and they are hereby, authorized to compound with persons liable to patrol duty in said town, for the payment of an annual tax in lieu of the performance of such duty; to establish a guard or police, for the better security and regulation of said town; compel owners of lots in said town to make and keep in repair sidewalks adjoining their lots, wherever the same shall be deemed necessary by the said Council, and to impose a fine for the default thereof, or to make and repair such sidewalks, and assess the said lot owner or owners, for the payment thereof; to regulate the price of licenses on all public exhibitions in said town; to punish slaves and free persons of color for the violation of the ordinances of said town; to erect a powder magazine, and to compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for rates of storage therefor, and for keeping and delivering the same; to prevent the sale and use of fire-crackers and fireworks in the said town; to impose an annual tax upon the following property in said town, to wit: Upon all real estate, not exceeding twenty-five cents on the value of one hundred dollars; on all

Town of Greenville.

Tax on property.

A. D. 1853.

Assessors.

Town of
Chester.

Patrol duty.

Taxes.

Proviso.

slaves between the age of sixteen and fifty years, not exceeding twenty-five cents each; on all pleasure carriages, drawn by two or more horses, not exceeding three dollars each; on all pleasure carriages, rockaways, buggies, or other vehicles kept for pleasure, and drawn by one horse, not exceeding two dollars each; on all hacks, omnibuses, drays, carts, wagons, or other vehicles kept for hire, not exceeding ten dollars each, to be regulated respectively by the said Council; to appoint three freeholders of the said town to assess the value of real estate therein, upon oath, and to return the same to the said Council for taxation; and to fill any vacancy occasioned by the death, resignation, refusal to serve, or removal from office otherwise of the said assessors. And that all Acts or parts of Acts in relation to the Town Council of Greenville, repugnant to the enactments of this clause, be, and the same are hereby, repealed.

III. That an Act entitled "An Act to incorporate the town of Chester," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, be so amended that the Town Council of Chester shall have power to compound with persons liable to patrol duty upon such terms as they shall by ordinance establish; the money so received to be applied to the purpose of supporting a night watch for said town; and all persons refusing or failing to pay such commutation, shall be liable to patrol duty, and for non-performance thereof, to such fines and penalties as are now provided by law. The said Town Council of Chester shall have power to impose a tax upon the keepers of ten pin alleys, and to grant or refuse licenses for the same, upon such terms and conditions, and subject to such regulations as they may by ordinance establish. They shall also have power to impose a tax, within their discretion, on all sales made by itinerant auctioneers; on public drays, wagons, livery stables, vehicles and horses kept for hire, and on the owners or possessors of any dog or dogs, kept within the corporate limits of said town. The said Town Council of Chester shall have power to impose an annual tax on all real estate, all stocks in trade, all stocks of every kind, (railroad and plankroad stocks excepted,) all moneys loaned at interest, all negroes, all carriages, wagons, horses and mules, kept for private use, and on all gold and silver watches, kept for private use, within the corporate limits of said town: *Provided*, That no tax shall be imposed in any one year to exceed the rate of ten cents on each hundred dollars' worth of the value of such property or capital, which valuation shall be ascertained by three assessors for that purpose, by the Town Council appointed, who shall take an oath to assess the same according to the best of their knowledge and understanding; the money so raised to be applied by the said Town Council to the uses of said corporation. And the said Town Council shall have power to enforce the payment of all taxes and assessments levied by the said Council against the property and persons of defaulters to the same extent and in the same manner as is provided by law for the collection of the general State taxes. The said Town Council of Chester shall have power and authority to require all persons owning a lot or lots in said town to make and keep in good repair sidewalks in front of said lot or lots wherever the same shall front on or adjoin any of the public streets of said town, if, in the judgment of the Council, such side-

walks shall be necessary; the width thereof and the manner of their construction to be designated and regulated by the Town Council; and for default or refusal to make and keep in repair such sidewalks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing: *Provided*, That such contract for making or repairing be let to the lowest bidder. The said Town Council of Chester shall have power to arrest and commit to jail, (for a space of time not exceeding twelve hours,) and to fine, not exceeding twenty dollars, any person or persons who shall be guilty of disorderly conduct in said town, to the annoyance of the citizens thereof; and it shall be the duty of the marshal of the town to make such arrest, and to call to his assistance the *posse comitatus*, (if necessary,) and upon failure to perform said duty, he shall be fined in a sum not exceeding twenty dollars for each and every offence.

IV. That the corporate limits of the town of Cheraw shall be, and the same are hereby, so extended and defined as to include therein, besides the land originally owned by the town company, and represented in streets and lots on the plat thereof, which is on file in the office of the Register of Mesne Conveyance for Chesterfield District, the following parcels of land, to wit: The land embraced within the village adjoining the north side of the said town, and heretofore known by the name of Powe Town, as far as to the north side of North street of said Powe Town, and the parcel of land adjoining the southwest corner of the said town of Cheraw, and which will be embraced therein by extending to the point of their intersection the southern boundary line of said town and the western line of Christian street, as the said lines are represented on the plat aforesaid; and the Town Council of the said town of Cheraw shall exercise all the powers and privileges, and fulfil all the duties which by law now do, or at any time hereafter shall pertain to said Council, throughout every part of said corporate limits as herein extended and defined: *Provided, however*, That nothing herein contained shall be construed to give to the said Town Council authority to open anywhere within the added territory over which the said corporate limits are hereby extended, any street which is not now open and in actual use, or to divide into lots any part of said territory not heretofore so divided, without the consent of the owners of the land to be divided into such lots, or intersected by such streets.

V. The Town Council of the said town of Cheraw shall have power to prevent the violation of its ordinances by ordaining as to free white persons so offending, certain fines, not exceeding fifty dollars for any one offence, and as to slaves and free persons of color, any suitable punishment, not extending to life or member. When any free white person shall be charged with an offence, for which a fine of more than twenty dollars is ordained, the said charge shall be heard and determined in an action of debt by summary process, to be brought in the name of the said Town Council, for the recovery of said fine in the Court of Common Pleas, and if the fine ordained be not more than twenty dollars, the said Town Council, or a quorum thereof, shall have power to hear and determine the charge, and render judgment therein. In all cases of trials to be

A. D. 1853.

Town of
Cheraw.Extended
limits.Powers as to
streets and lots.Fines and
penalties.

A. D. 1853.

had before the said Town Council, as hereinbefore provided, the party charged shall be cited to trial by personal service upon him of a summons under the hand of the Intendant, or any one of the Wardens, wherein shall be expressed with certainty the offence charged, and the time and place of trial, which service shall be made at least five days before the day of trial; the said Town Council shall have power to procure and compel the attendance of witnesses by process similar to that which by law Magistrates may use in the trial of small and mean causes, and to enforce the judgments rendered by an execution in the nature of a *feri facias* against the personal goods of the offender, and from any judgment so rendered by the said Town Council, an appeal to the Court of Common Pleas for Chesterfield District may be taken by the defendant in the same manner and upon the same terms as are now provided in the case of judgments rendered by Magistrates in civil causes. The Marshal of the said Town of Cheraw shall have power to serve and execute all summonses and other process, mesne or final, issued by the said Town Council by virtue of this Act, and the same to return to the said Town Council: *Provided*, The said process shall be served or executed within the corporate limits of the said town. Slaves and free persons of color charged with offences against the ordinances of the said town shall be tried by the said Town Council, or a quorum thereof, and the judgments and sentences rendered and passed in such trials shall be executed by the Marshal of said town, and the modes of conducting such trials shall be prescribed by the said Town Council, by ordinances for that purpose.

Marshal to
serve process.

Trial of
slaves.

Power to en-
force payment
of taxes.

VI. The said Town Council of the Town of Cheraw shall be, and is hereby, empowered to enforce the payment of all taxes and assessments lawfully levied by the said Council against the property and persons of defaulters, to the same extent and in the same manner as is provided by law for the collection of the general State tax.

Public Act.

VII. This Act shall be deemed and taken to be a public Act, and all Acts and parts of Acts inconsistent with or repugnant to the same, shall be, and the same are hereby, repealed.

Town of
Georgetown.

VIII. That the charter of the town of Georgetown be amended so far as to confer on the Town Council the power to appoint an Inspector of Tar and Turpentine, a Measurer of Wood and Timber, and a Weigher of Cotton, in and for said town, and to pass such ordinances as they may deem expedient, to define the duties, fix the compensation, and impose fines and penalties for neglect or improper discharge of duties of said Inspector, Measurer and Weigher. And that said Town Council have full power and authority to make and pass all such ordinances as may be necessary and proper to secure the benefit of such appointment to the town and commerce of the port of Georgetown.

Board of
Health.

IX. That the said Town Council shall have full power and authority to appoint a Board of Health for said town, and to pass such ordinances as may be necessary to define the powers and duties of said Board, and to impose fines and penalties upon the members of said Board for neglect of duty or refusal to serve: *Provided*, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars.

X. That the charter of the town of Pendleton be, and the same

is hereby, renewed, with all the powers and privileges heretofore granted to them.

A. D. 1853.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS. No. 4129.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the officers and members of the following societies, associations and companies, to wit: The Newberry Agricultural Society; the Catawba Lodge, Independent Order of Odd Fellows, of Lancasterville; the Oaks Club, of Charleston; the Society Hill Library Society; the Eutaw Encampment, No. 2, Independent Order of Odd Fellows, of Columbia; Hibernian Society, of Columbia; Sumter Lodge, No. 23, Independent Order of Odd Fellows; the German Ladies' Benevolent Society, of Charleston, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each of them hereinbefore respectively assigned.

Names of societies.

II. That the said societies, associations and companies, according to their respective by-laws, shall have succession of officers and members, and shall have power respectively to make by laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any court of this State, and to have and enjoy every right, power and privilege incident to such incorporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them; and to sell, alien and transfer the same or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of ten thousand dollars.

Rights and privileges.

Proviso.

III. That Edmund Rhett, R. W. Barnwell, B. J. Johnson, W. B. Means, T. H. Spann, W. A. Morecock, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "The Port Royal Company," for the purpose of covering the road leading from the town of Beaufort to Port Royal Ferry with sea shells or other material suitable for constructing a highway, with a capital stock of twenty-five thousand dollars, in shares of five hundred dollars each.

Port Royal Company.

IV. That the said corporation may purchase and hold such real estate as may be necessary for carrying out the objects contemplated

A. D. 1853.

in this Act, and the same may dispose of at will, and may sue and be sued in all courts of law or equity, may have and use a common seal, and may make such by-laws for their regulation and government as they may see proper, not inconsistent with the constitution and laws of this State and of the United States.

To have the same powers as Comm'rs of Roads.

V. That the said road shall be exempt from the control and jurisdiction of the Commissioners of Roads, and that the said corporation shall be invested with all the powers now vested in Commissioners of Roads, so far as may be necessary for the protection, preservation and good management of the said road, and for exacting on oath from the persons liable to work on the said road, a return, to be made to them on or before the first day of April in each year, of all slaves liable by law to work on the said road; and that the said corporation shall have power to collect and receive from such persons so liable, on or before the said first day of April in each year, the sum of three dollars for every slave so returned. And in case any person liable to work on the said road shall neglect or refuse to make such return or to make said payment, such person shall be liable to the same penalties and forfeitures to the said corporation as such defaulters are by law now liable for to Commissioners of Roads: *Provided*, That all persons who shall pay such commutation money shall be discharged and exempted from all work upon the said road, and that the said road shall be open and free for the use of the public: *And provided, further*, That the said corporation shall be liable to the same penalties for not keeping the said road and the bridges thereon in good order as Commissioners of Roads are now liable to, and none others.

Penalties.

German Settlement Society.

VI. That the officers and members of the society heretofore known as the German Colonization Society of Charleston, be, and the same are hereby, declared and constituted a body politic and corporate, by the name and style of "The German Settlement Society of Charleston," and the said society shall have succession of officers and members, and power to make all by-laws not repugnant to the laws of the land, and to have and use a common seal, and the same to alter at will, to sue and be sued in any court of this State, and to have and enjoy every right, power and privilege incident to such incorporations; and the said society is hereby authorized and empowered to hold, retain, possess and enjoy all such property, real and personal, as the said society or German Colonization Society of Charleston have and possess, or which shall hereafter be purchased by or given, bequeathed or devised to the said German Settlement Society of Charleston, and all the property, real and personal, now held in the name of the Trustees of the German Colonization Society of Charleston, is hereby vested in the said German Settlement Society of Charleston, hereby incorporated: *Provided, always*, That the amount so held by the said society shall at no time exceed the sum of one hundred thousand dollars; and the said property, real and personal, however acquired, to sell, alien and transfer, in whole or in parts and parcels, at the discretion of the Board of Direction of the said society hereafter provided for.

Proviso.

VII. That the said German Settlement Society hereby incorporated, shall elect, annually, from among their members, at such time and place as may be fixed by their by-laws, a President, a Secretary,

Officers.

a Treasurer and four Directors, who shall constitute a Board of Direction for the management of all the business and affairs of the said society, as may be authorized and prescribed by the by-laws of the said society, to import stock from other States or foreign countries, to erect dwelling houses, warehouses and work shops, and from time to time to account to the members of the said society for their management of their said affairs, to ascertain and declare and apportion the profits among the members according to their by-laws; and all conveyances of real estate, bills of sale and transfers of other property sold by the said Board of Direction shall be signed by the President and Secretary, and sealed with the seal of the said society.

A. D. 1853.

VIII. That William Herwig, William B. Heriot, Edward L. Kerrison, Hermann E. Vaas, Lingard A. Frampton, Frederick C. Matthiessen, John P. Casal, and their associates, at present members of the Charleston Philharmonic Society, (an association formed for the promotion of a cultivated taste for music in Charleston, and for affording an opportunity for the development of native musical talent,) and their successors, be, and they are hereby, incorporated and declared a body corporate and politic, by the name and style of The Charleston Philharmonic Society. The said society, according to its by-laws, shall have succession of officers and members, and shall have power to make by-laws not repugnant to the laws of the land, and to have and use a common seal, and the same to alter at will, to sue and be sued in any court of this State, and to have and enjoy every right, power and privilege incident to such incorporations, and may hold, possess and enjoy all such property, real and personal, as it may now possess or be entitled to, or which shall hereafter be given, bequeathed or devised to it, or in any manner acquired by it, and to sell, alien and transfer the same, or any part thereof: *Provided*, The amount of said property shall not exceed in value the sum of fifty thousand dollars.

Charleston
Philharmonic
Society.

Proviso.

IX. That the charter of the Mount Pleasant Ferry Company be so amended as to permit the said company to reduce the shares in the capital stock of the said company from one thousand dollars to one hundred dollars each, and to call in the old certificates, and to issue new scrip or certificates for the said reduced shares.

Mt. Pleasant
Ferry Com-
pany.

X. That the Phoenix Fire Engine Company of Charleston; the Marion Fire Engine Company; the South Carolina Mechanics' Association; the Charleston Ancient Artillery Society, and the German Fire Company of Charleston, be, and the same are hereby, re-chartered, with all the rights, powers and privileges heretofore granted to them respectively.

Societies re-
chartered.

XI. That the Charleston Fire Company of Axemen are hereby re-chartered, with all their present privileges as a body corporate, except that the said company shall not have the right to elect any new members until their number shall have been reduced to less than thirty; after which time it shall not be lawful for the said company to have more than thirty members.

XII. That this Act shall be taken and deemed a public Act, and shall continue in force for fourteen years.

Public Act.

XIII. That the Charleston Gas Light Company shall have authority to increase their capital to the sum of five hundred thousand dollars, with the same rights and privileges, and subject to the same

Charleston
Gas Light
Company.

A. D. 1853.

obligations, liabilities and restrictions as are now provided for in relation to their present capital.

Sumterville
Academical
Society.

XIV. That the charter of the Trustees and members of the Sumterville Academical Society be, and the same is hereby, revived and extended for the term of fourteen years, by the name of the Sumterville Academical Society, with power to possess and hold, subject to former grants, property heretofore or hereafter escheated or liable to escheat within the county of Claremont, to an amount not exceeding fifteen thousand dollars, and with all the other powers heretofore conferred upon it.

St. Mary's
College.

XV. That J. J. O'Connell, L. P. O'Connell, Julius Posey, M. J. Ryan, Joseph O'Connell, and their successors, be, and hereby are, incorporated under the name and style of "The St. Mary's College," for literary purposes, and that the said J. J. O'Connell and others, and their successors, be, and hereby are, vested with full power and authority, from time to time, to make, constitute and establish such and so many by-laws, rules and orders as to them shall seem necessary and convenient, (which said by-laws, rules and orders so made shall be binding on all persons in anywise connected with the said college,) with full power and authority also to have and use a corporate seal, and to do and perform all other acts that corporate bodies may of right do, and also with full power and authority to hold, use and alienate property, real, personal or mixed, to any amount not exceeding the sum of fifty thousand dollars.

Carolina Gas
Company.

XVI. That W. C. Dukes, A. R. Taft, Edward Sebring, Robert W. Hare, W. C. Gatewood, and their associates and successors, shall be, and they are hereby, incorporated and made and declared a body corporate and politic, in deed and in law, by the name and style of the "Carolina Gas Company," with all the rights, powers and privileges, and subject to the same conditions as have been conferred and imposed on the Charleston Gas Light Company, subscriptions to be taken in the same manner as is directed in the Act incorporating the said company; and the said parties herein first named are hereby authorized to appoint Commissioners to take subscriptions: *Provided*, That the assent of the City Council of Charleston be first had and obtained before the said company shall proceed to open the streets of the city for the laying of their pipes.

Proviso.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4130. AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW THE CHARTERS OF OTHERS HERETOFORE GRANTED.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That all free white persons who now are, or hereafter may become, members of the following religious societies, and societies for the advancement of education, to wit: The Cedar Spring and Lower Long Cane Churches, (Associate Reformed Presbyterian,) in Abbeville District; the German Evangelical Lutheran Church of Walhalla; the Steep Bottom Baptist Church, of Saint Peter's Parish; the Bethlehem Church in Edgefield District, with the camp ground adjacent thereto; the Evangelical Lutheran Church at Newberry, by the name of Luther's Chapel; the Independent or Congregational Church of Wappetaw, with power to establish a branch church at Mount Pleasant, Christ Church Parish; the Baptist Church at Broadmouth, Abbeville District; the Methodist Society at Union Camp Ground, in Abbeville District; the Fairview Methodist Protestant Church in Anderson District; the Washington Street Presbyterian Church in Greenville; the Townville Baptist Church in Anderson; the Hartville Baptist Church in Darlington; the Covington Seminary in Edgefield; the Cokesbury Masonic Female Institute, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each hereinbefore respectively assigned.

A. D. 1853.

Religious and
other societies
incorporated.

II. That the said churches, societies and associations, shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws, and shall have power respectively to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of fifty thousand dollars.

Rights and
privileges.

III. That the charters of the Black Swamp Baptist Church, in Beaufort District; the Goose Creek Baptist Church, in the Parish of St. James, Goose Creek; the Protestant Episcopal Church in Greenville; the Pendleton Academy, be, and the same are hereby, renewed, with all the rights, powers and privileges heretofore granted to them respectively.

Charters re-
newed.

IV. That this Act is hereby declared to be a public Act.

Proviso.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1853. AN ACT TO INCORPORATE THE CENTRAL BANK OF SOUTH CAROLINA.

No. 4131.

Comm'rs to receive sub-
scriptions.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in order to establish the Bank hereinafter named, the following persons be, and they are hereby, appointed Commissioners to receive subscriptions at the City of Charleston: Charles McBeth, Henry T. Street, W. A. Wardlaw, J. S. Chambers, Robert W. Hare, and the said Commissioners, or a majority of them, shall, on the first Monday and Tuesday in April next, open subscriptions from the hour of 10 A. M. until 2 P. M., for the purpose of raising the sum of one million of dollars, whereof six weeks' public notice shall be given in all the daily papers of the City of Charleston; and such said subscribers paying their subscription moneys respectively, and all persons who may thereafter become stockholders in the said company, shall be, and they are hereby, incorporated and made a corporation and body politic, by the name and style of the Central Bank of South Carolina, and so shall continue until the first day of April, one thousand eight hundred and seventy-six.

Name.

Rights and
privileges.

II. That the said corporation, by its said name and style, shall be, and is hereby, made capable in law to have, purchase, receive, possess, enjoy, and retain, to it and its successors, lands, rents, tenements, hereditaments, goods, chattels, promissory notes, bills of exchange, and all other choses in action, money and effects of what kind, nature, or quality soever, to an amount not exceeding, on the whole, three times the amount of the capital stock of said corporation, and the same to sell, alien, or dispose of, and also to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in Courts of Record or any other place whatsoever, and also to make, have, and use a common seal, and the same to break, alter, or renew at pleasure, and to discount promissory notes at a rate of interest not exceeding one per cent. for every sixty days, and to deal and trade in bills of exchange; and also ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to the laws of this State and of the United States, and generally to do and execute all and singular such acts, matters and things which may be deemed necessary and proper for the good management and government of said corporation, subject, nevertheless, to such regulations, restrictions, limitations and provisos as shall hereafter be prescribed and declared.

Not to issue
bills under \$5.

III. That no bill or promissory note for the payment of money shall be issued by said corporation of a less denomination, or for a less amount than five dollars.

Over sub-
scription to be
reduced *pro
rata*.

IV. That in case a greater sum than one million of dollars be subscribed on the days and place before mentioned, the Commissioners above named shall reduce the subscriptions in proportion to the amount subscribed: *Provided*, That no subscription of five shares or under shall be reduced: *And provided, further*, That it shall not be lawful for any person to subscribe for shares in the name of other persons. The capital stock of said bank shall be divided into forty thousand shares of twenty-five dollars each share;

Number of
shares.

five dollars on each share shall be paid at the time of subscribing, and the balance of twenty dollars per share shall be paid at such times and in such amounts as may be called for by the Board of Directors selected by said stockholders.

A. D. 1853.

V. That each stockholder shall be entitled to one vote for each and every share held by him or her, and after the first Monday in April next no share or shares shall confer a right of suffrage, which shall not have been held three calendar months previous to the election; no stockholder shall be allowed to vote other than a citizen of this State or some one of the States of this Confederacy.

Regulating
voting.

VI. That there shall be an election in the said corporation on the second Monday in April in each year, and in default thereof, on such other day as shall be fixed by said corporation, of thirteen Directors, who shall be chosen by the stockholders or their proxies, from amongst themselves, (being citizens of this State,) and by a plurality of votes actually given, and those who shall be chosen at any election shall be capable of serving as Directors by virtue of such choice, until the second Monday in April next ensuing, and the said Directors, at their first meeting after such election, shall choose one of their number as President, and in case of death, resignation, or absence from the State of a Director, his place may be filled by the other Directors for the remainder of the year. A fair and correct list of the stockholders shall be made out by the Directors at least one month previous to any election of Directors, subsequent to the first election, to be submitted to the inspection of any stockholder; and to prevent a division of shares for the purpose of obtaining undue influence, the managers of elections for Directors of said bank shall administer to every stockholder offering to vote the following oath, that is to say: "You, A. B., solemnly swear (or affirm, as the case may be,) that the stock you now represent is now *bona fide* your property, and that no other person or persons is or are concerned therein," and to any stockholder offering to vote by proxy for a minor, or in right of, or in trust for any stockholder entitled to vote, the following oath: "You, A. B., do swear (or affirm, as the case may be,) that the stock of C. D., whom you represent, is, to the best of your knowledge and belief, the property of the said C. D., and that no other person or persons is or are, to the best of your knowledge or belief, concerned therein." And any stockholder refusing to make such oath or affirmation shall not be allowed to vote at such election.

Election of
Directors.Oath to be
administered.

VII. That no stockholder who is not a citizen of this State shall, nor shall any Director of any other bank, nor copartner of such Director, nor more than one person of a copartnership firm, be a Director of this bank, nor shall any person act as a Director who may be under protest in bank as drawer or endorser of any bill of exchange or promissory note held by the said bank, either for discount or collection, unless he shall prove to a majority of the other Directors that he has just reason and legal and sufficient cause for refusing payment of the demand on which such protest may be founded.

Who not eli-
gible for Direc-
tors.

VIII. That no less than five Directors shall constitute a Board for the transaction of business, of which the President shall always

Board of
Direction.

A. D. 1853.

be one, except in case of sickness or necessary absence, when his place may be supplied by another Director whom he by writing shall nominate for the purpose, and in default of such nomination by the President, or in case of sickness or necessary absence of the person so nominated, the Board of Directors may, by ballot, appoint a temporary President.

Directors to have power to appoint officers, &c.

IX. That the Directors shall have power to appoint, for the time being, such officers, clerks and servants under them, as shall be necessary for executing the business of said corporation, in such manner, and upon such terms, as they shall deem necessary and proper, and shall have power to remove such officers from time to time, at their will and pleasure, and shall be capable of exercising such other powers and authorities for the well government and ordering of the officers of said corporation as shall be fixed and determined by the laws and regulations thereof.

X. The officers of the said bank shall not be exempt from militia duty or from serving on juries.

Officers prohibited from trading, &c.

XI. That no officer of this bank, other than a Director, shall be permitted, either directly or indirectly, to carry on the business or trade of merchandise, factorage, brokerage, vendue or the exchange of money or bills for profit; and every such officer so trading shall be removed from office by the Directors, and disqualified from thereafter holding any office in said bank.

Further prohibition.

XII. That no Director or other officer of said bank shall, either directly or indirectly, receive any compensation for any agency in negotiating any business with the bank, in procuring discounts, or receiving money from individuals on notes discounted, and every such Director or other officer thus receiving compensation shall be removed from office and disqualified from thereafter holding any office in said bank.

Special meetings of stockholders.

XIII. That a meeting of the stockholders may be called at any time by the President and Directors, or a majority of them, or by any Director who may protest against the proceedings of the Board, or who may wish the propriety of his dissent to be considered by the stockholders, or whenever the holders of one thousand shares or upwards shall require the same: *Provided*, That no such meeting of the stockholders shall be competent to transact the business unless one month's notice thereof be given in at least three gazettes in this State, and unless a majority of the stock of said bank be represented.

Proviso.

Amount of property lawful to be held.

XIV. That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as may be requisite for its immediate accommodation for the transacting its business, to an amount not exceeding fifty thousand dollars, such as shall have been *bona fide* mortgaged or assigned to it by way of security or payment of debts previously contracted in the course of its dealings, and such as shall have been purchased at sales upon judgments previously obtained.

When to go into operation.

XV. The said bank shall not go into operation until satisfactory evidence shall have been produced to the Comptroller General that at least one-half of its capital stock has been paid in, and is in possession of said bank, and that a portion of the amount paid in,

equal to at least one-fourth of the capital stock, consists of gold or silver.

A. D. 1853.

XVI. That the stock of said bank shall be assignable and transferable according to such regulations, and upon such terms, as may be prescribed and fixed by said corporation.

Stock assignable.

XVII. That the bills or notes which may be issued by order of said corporation, signed by the President and countersigned by the principal Cashier or Treasurer thereof, promising the payment of money to any person or persons, his or her, or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon said corporation in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, or them, in his, her, or their private capacity, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assigned by endorsement in like manner, and with like effect, as bills of exchange or promissory notes now are, and those which are payable to any person or persons, or bearer, shall be negotiable by delivery only.

Notes and bills—how negotiable.

XVIII. That the total amount of debts which the said corporation shall at any time owe shall not exceed three times the amount of its capital stock, exclusive of the amount of money then actually deposited in the bank for safe keeping, and in case of excess, the Directors under whose administration such excess shall happen shall be liable for the same, in their private and individual capacities, and an action may in such case be brought against them or any of them, their, or any of their heirs, executors or administrators, in any court having jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for said excess, and such of the said Directors as may have been absent when said excess was created or contracted, or such as may have dissented from the resolution or act, whereby the same was created or contracted, may, respectively, exonerate themselves from being thus liable, by forthwith giving notice of the fact, and of their absence or dissent, to the stockholders, at a general meeting to be called for that purpose.

Limitation of indebtedness.

Liability of Directors.

Corporation also liable.

Absent Directors exonerated.

XIX. That the said corporation shall not be permitted to purchase any public debt whatsoever, except stock of the State or the United States, nor shall, directly or indirectly, trade or deal in anything except notes, bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or for bills of exchange or goods which shall be the produce of its lands; and if the said corporation, or any person or persons, for or to the use of said corporation, shall purchase, trade, discount or loan, contrary to the provisions of this Act, all and every person and persons thus purchasing, trading, discounting, or loaning contrary to the provisions of this Act, shall forfeit and lose triple the value of the goods, wares and merchandise, notes, bills or loans, thus illegally purchased, traded for, discounted or

Not to purchase public debt.

Penalty.

A. D. 1853. loaned, one half to the informer, and the other half to the use of the State.

Bills receivable for taxes while paying specie.

XX. That the bills or notes of the said corporation, originally made payable on demand, or which shall become payable in gold or silver current coin, shall be received by the Treasurers, Tax Collectors, Solicitors and other public officers, in all payments for taxes or other moneys due to the State, so long as the said bank shall pay gold and silver coin for their notes; but whenever there shall be a protest on any of the bills or notes of said bank for non-payment in specie, the Comptroller General shall be authorized, and is hereby required to countermand the receipt of the bills and notes of the said bank in payment of taxes or debts due to the State, unless good and satisfactory cause be shown him by the said corporation for protesting, in a Court of justice, the payment thereof.

Dividends.

XXI. That dividends shall be made twice a year by the said corporation of so much of the profits of the said bank as shall appear to the Directors advisable; and once in every year the Directors shall lay before the stockholders, at a general meeting, for their information, a statement of the affairs of the bank.

Liability of stockholders.

XXII. That in case of failure of the said bank, each stockholder, co-partnership, or body politic having a share or shares therein at the time of such failure, or who shall have been interested therein at any time within twelve months previous to said failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his, her or their share or shares.

Property to revert to stockholders on dissolution.

XXIII. That any real estate, bills, notes, moneys, profits or other property whatever, which may, on the dissolution of said corporation, be owned or possessed by it, shall be held by the Directors of said bank, for the use and benefit of all persons holding shares in said corporation at the time of its dissolution, and their legal assignees and representatives, in average and proportion to the number and amount of such shares.

Additional subscription.

XXIV. That if the stock be not taken up on the first Monday and Tuesday in April next, the books shall be opened in Charleston on the first Monday in July next, and kept open until the first Monday in August next, unless the whole amount is previously taken or subscribed.

Respecting loans.

XXV. That no money shall be loaned on stock of this institution until twelve months after the whole capital shall have been paid in.

Liable to taxation.

XXVI. That the capital stock and other property of the said bank shall be liable to taxation in the same manner as the capital stock and property of individuals and other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of said bank, without authority first had and obtained from the Legislature.

Subject to A. A. 1840.

XXVII. That said bank shall, during the term of twenty-one years, be subject to all the provisions of an Act passed the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the banks of this State," and also to such regulations as the Legislature shall, from time to time, impose.

XXVIII. It shall not be lawful for the said bank, except in settlements with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check or other paper of any other bank, and for each and every violation of this Section, the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt at the suit of the State, and appropriated, one-half to the use of the State, and the other half to the informer.

A. D. 1853.

Not to pay
out bills of
other banks.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE STATE BANK. No. 4132.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the State Bank be, and the same is hereby, renewed for the term of twenty-one years from the expiration of its present charter; and that the President and Directors of the said bank be authorized and empowered, forthwith, to subdivide the capital stock of the said bank, now existing in shares of one hundred dollars each, into shares of twenty-five dollars each.

Charter re-
newed.

II. That the said bank shall, during the said term of twenty-one years, be permitted to enjoy all the privileges, rights, powers, immunities and benefits which it now enjoys and has heretofore exercised under the existing charter of the said bank; and the said bank shall be subject to all the provisions of an Act passed the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the banks of this State," and also to such regulations as the Legislature shall, from time to time, impose.

Rights and
privileges.

Subject to
A. A. 1840.

III. That the capital stock and other property of the said State Bank shall be liable to taxation in the same manner as the capital and property of individuals and other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of the said bank without authority first had and obtained from the Legislature.

Liable to
taxation.

IV. That in case of the failure of the said bank, each stockholder, copartnership or body politic, having a share or shares in such bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his or their share or shares.

Liability of
stockholders.

V. It shall not be lawful for the said bank, except in settlements

A. D. 1853.

Not to pay
out bills of
other banks.

with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check, or other paper of any other bank; and for each and every violation of this Section, the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt at the suit of the State, and appropriated, one-half to the use of the State, and the other half to the informer.

Bills receive-
able for taxes.

VI. The bills or notes of the said bank shall be receivable by the Treasurers, Tax Collectors and other public officers, in payment for taxes and other moneys due to the State no longer than while the said bank shall promptly pay on demand, gold and silver current coin for their notes; but whenever the said bank shall refuse or delay to pay any of their notes in gold or silver current coin, or whenever there shall be a protest on any of the bills or notes of the said bank for non-payment of specie, it shall be the duty of the Comptroller General to forbid the receipt of the bills or notes of the said bank for taxes and other public dues, unless satisfactory reasons be shown him by the bank for contesting, in a court of justice, the payment of such protested bills or notes.

VII. The officers of the said bank shall not be exempt from militia duty, or from serving on juries.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4133. AN ACT TO RENEW THE CHARTER OF THE BANK OF CHARLESTON, SOUTH CAROLINA.

Charter re-
newed.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Bank of Charleston, South Carolina, shall continue a body corporate and politic until the first day of June, which will be in the year eighteen hundred and seventy-seven, with all the powers and conditions contained in the Act passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, which is hereby renewed, and subject also to the following conditions, that is to say:

Subject to
A. A. 1840.

First. That the said bank shall be subject to all the provisions of the Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the banks of this State," and also to such regulations as the Legislature shall from time to time impose.

Liable to
taxation.

Second. That the capital stock and other property of the said bank shall be liable to taxation in the same manner as the capital stock and property of individuals and other corporations: *Provided,* That no municipal corporation shall tax the capital stock or profits

of the said bank without authority first had and obtained from the Legislature.

A. D. 1853.

Third. That in case of the failure of said bank, each stockholder, copartnership, or body politic, having a share or shares in said bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his or their share or shares.

Liability of stockholders.

Fourth. That it shall not be lawful for said bank, except in settlements with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check, or other paper of any other bank, and for each and every violation of this Section the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt at the suit of the State, and appropriated, one-half to the use of the State and the other half to the informer.

Not to pay out bills of other banks.

Fifth. That the officers of the said bank shall not be exempt from militia duty, or from serving on juries.

Sixth. That the said bank shall, from and after the first day of February next, be subject to the provisions of the Act entitled "An Act to provide against the suspension of specie payments by the banks of this State," ratified on the eighteenth day of December, one thousand eight hundred and forty, and if the said bank shall not, from and after the said first day of February next, conform to the provisions of the said Act, then this Act shall be null and void, and of no more force and effect than if the same had not been passed.

To conform to A. A. 1840 after Feb. 1.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RECHARTER THE BANK OF HAMBURG, SOUTH CAROLINA. No. 4134.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Bank of Hamburg, South Carolina, be, and the same is hereby, renewed for the term of twenty-one years from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-six.

Charter renewed.

II. That the said bank shall, during the said term of twenty-one years, be permitted to enjoy all the privileges, rights, powers, immunities and benefits which it now enjoys under the existing charter of said bank, with the additional power of changing its day of annual meeting. And the said bank shall be subject to all the provisions of an Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the banks

Rights and privileges.

A. D. 1853.

of this State," and also to such regulations and restrictions as the Legislature shall from time to time impose.

Liabile to
taxation.

III. That the capital stock and other property of the said Bank of Hamburg, South Carolina, shall be liable to taxation in the same manner as the capital stock and property of individuals and of other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of said bank without authority first had and obtained from the Legislature.

Liability of
stockholders.

IV. That in case of the failure of said Bank of Hamburg, South Carolina, each stockholder, co-partnership or body politic, having a share or shares in said bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound, individually, for any sum not exceeding twice the amount of his, her or their share or shares.

Not to pay
out bills of
other banks.

V. It shall not be lawful for said bank, except in settlements with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check or other paper of any other bank. And for each and every violation of this Section the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt at the suit of the State, and appropriated, one-half to the use of the State, and the other half to the informer.

Bills receiv-
able for taxes.

VI. The bills or notes of the said Bank of Hamburg, South Carolina, shall be receivable by the Treasurers, Tax Collectors and other public officers, in payment for taxes and other moneys due to the State, no longer than while the said bank shall promptly pay on demand gold and silver current coin for its notes; but whenever the said bank shall refuse or delay to pay any of its notes in gold or silver current coin, or whenever there shall be a protest on any of the bills or notes of the said bank for non-payment in specie, it shall be the duty of the Comptroller General to forbid the receipt of the bills or notes of the said bank for taxes and other public dues, unless satisfactory reasons be shown him by the said bank for contesting, in a Court of justice, the payment of such protested bills or notes.

VII. The officers of the said Bank of Hamburg, South Carolina, shall not be exempt from militia duty, or from serving on juries.

Subject to
A. A. 1840
after Feb. 1.

VIII. That the said bank shall, from and after the first day of February next, be subject to the provisions of the Act entitled "An Act to provide against the suspension of specie payments by the banks of this State," ratified on the eighteenth day of December, one thousand eight hundred and forty; and if the said bank shall not, from and after the said first day of February next, conform to the provisions of the said Act, then this Act shall be null and void, and of no more force or effect than if the same had not been passed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RECHARTER THE MERCHANTS' BANK OF SOUTH CAROLINA, AT CHERAW.

A. D. 1853.

No. 4135.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Merchants' Bank of South Carolina, at Cheraw, be, and the same is hereby, renewed for the term of twenty-one years from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-six.

Charter renewed.

II. That said bank shall, during the said term of twenty-one years, be permitted to enjoy all the privileges, rights, powers, immunities and benefits which it now enjoys under the existing charter of said bank; and the said bank shall be subject to all the provisions of an Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the banks of this State;" and also to such regulations and restrictions as the Legislature shall, from time to time, impose.

Rights and privileges.

III. That the capital stock and other property of the said Merchants' Bank of South Carolina, at Cheraw, shall be liable to taxation in the same manner as the capital stock and other property of individuals and of other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of said bank without authority first had and obtained from the Legislature.

Liable to taxation.

IV. That in case of the failure of said Merchants' Bank of South Carolina, at Cheraw, each stockholder, co-partnership, or body politic, having a share or shares in the said bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his, her or their share or shares.

Liability of stockholders.

V. It shall not be lawful for the said bank, except in settlement with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check or other paper of any other bank. And for each and every violation of this Section, the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt at the suit of the State, and appropriated, one-half to the use of the State, and the other half to the informer.

Not to pay out bills of other banks.

VI. The bills or notes of the said Merchants' Bank of South Carolina, at Cheraw, shall be receivable by the Treasurers, Tax Collectors, and other public officers, in payment for taxes and other moneys due to the State, no longer than while the said bank shall promptly pay on demand gold or silver current coin for its notes; but whenever the said bank shall refuse or delay to pay any of its notes in gold or silver current coin, or whenever there shall be a protest on any of the bills or notes of the said bank for non-payment in specie, it shall be the duty of the Comptroller General to forbid the receipt of the bills or notes of the said bank for taxes and other public dues, unless satisfactory reasons be shown him by the said bank for contesting, in a Court of justice, the payment of such protested bills or notes.

Bills receivable for taxes.

A. D. 1853.

VII. The officers of said Merchants' Bank of South Carolina, at Cheraw, shall not be exempt from militia duty, or from serving on juries.

Subject to
A. A. 1840
after Feb. 1.

VIII. That the said bank shall, from and after the first day of February next, be subject to the provisions of the Act entitled "An Act to provide against the suspension of specie payments by the banks of this State," ratified on the eighteenth day of December, one thousand eight hundred and forty, and if the said bank shall not, from and after the said first day of February next, conform to the provisions of the said Act, then this Act shall be null and void, and of no more force or effect than if the same had not been passed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4136. AN ACT TO RECHARTER THE BANK OF CAMDEN, SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Bank of Camden, South Carolina, be, and the same is hereby, renewed for the term of twenty-one years from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and fifty-six.

II. That said bank shall, during the term of twenty-one years, be permitted to enjoy all the privileges, rights, powers, immunities and benefits, which it now enjoys under the existing charter of said bank, and the said bank shall be subject to all the provisions of an Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the Banks of this State," and also to such regulations and restrictions as the Legislature shall from time to time impose.

III. That the capital stock and other property of the said Bank of Camden, South Carolina, shall be liable to taxation in the same manner as the capital stock and property of individuals and of other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of said bank without authority first had and obtained from the Legislature.

IV. That in case of the failure of said Bank of Camden, South Carolina, each stockholder, co-partnership or body politic having a share or shares in said bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound, individu-

ally, for any sum not exceeding twice the amount of his, her or their share or shares.

A. D. 1853.

V. It shall not be lawful for said bank, except in settlements with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check or other paper of any other bank; and for each and every violation of this Section, the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt, at the suit of the State, and appropriated, one-half to the use of the State, and the other half to the use of the informer.

Not to pay out bills of other banks.

VI. The bills or notes of the said bank of Camden, South Carolina, shall be receivable by the Treasurers, Tax Collectors and other public officers, in payment for taxes and other moneys due the State, no longer than while the said bank shall promptly pay on demand, gold or silver current coin for its notes, but whenever the said bank shall refuse or delay to pay any of its notes in gold or silver current coin, or whenever there shall be a protest on any of the bills or notes of the said bank for non-payment in specie, it shall be the duty of the Comptroller General to forbid the receipt of the bills or notes of the said bank for taxes and other public dues, unless satisfactory reasons be shewn by the said bank, for contesting, in a Court of justice, the payment of such protested bills or notes.

Bills receivable for taxes.

VII. The officers of the said Bank of Camden, South Carolina, shall not be exempt from militia duty, or from serving on juries.

VIII. That the said bank shall, from and after the first day of February next, be subject to the provisions of the Act entitled "An Act to provide against the suspension of specie payments by the banks of this State," ratified on the eighteenth day of December, one thousand eight hundred and forty. And if the said bank shall not, from and after the said first day of February next, conform to the provisions of the said Act, then this Act shall be null and void, and of no more force or effect than if the same had not been passed.

Subject to A. A. 1840 after Feb. 1.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW THE CHARTER OF THE BANK OF SOUTH CAROLINA. No. 4137.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Bank of South Carolina be, and the same is hereby, renewed and extended for the term of twenty-one

Charter renewed.

A. D. 1853.

years from and after the first day of January, which shall be in the year of our Lord one thousand eight hundred and fifty-six, with all the powers and conditions which it now exercises and enjoys under its present charter, which is hereby renewed; subject, nevertheless, to the following conditions, that is to say:

Subject to
A. A. 1849.

First. That the said bank shall be subject to all the provisions of the Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the banks of this State," and also to such regulations as the Legislature shall from time to time impose.

Liable to
taxation.

Second. That the capital stock and other property of the said bank shall be liable to taxation in the same manner as the capital stock and property of individuals, and other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of the said bank without authority first had and obtained from the Legislature.

Liability of
stockholders.

Third. That in case of the failure of said bank, each stockholder, copartnership or body politic having a share or shares in the said bank at the time of such failure, or who shall have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound individually for any sum not exceeding twice the amount of his or their share or shares.

Not to pay
out bills of
other banks.

Fourth. That it shall not be lawful for said bank, except in settlement with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check or other paper of any other bank, and for each and every violation of this Section the said bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt at the suit of the State, and appropriated, one-half to the use of the State, and the other half to the informer.

Fifth. The officers of the said bank of South Carolina shall not be exempt from militia duty, or from serving on juries.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4138. AN ACT TO AUTHORIZE THE BANK OF NEWBERRY, AND THE PLANTERS' BANK OF FAIRFIELD, TO INCREASE THEIR CAPITAL.

May increase
capital.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the capital of the Bank of Newberry, and of the Planters' Bank of Fairfield, shall be three hundred thousand dollars, with the privilege of increasing the same to five hundred thousand

dollars, whenever a majority of the shareholders shall, at a general meeting, deem it necessary or advisable to do so.

A. D. 1853.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES, AND TO RENEW CERTAIN CHARTERS HERETOFORE GRANTED. No. 4139.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Broxton Bridge, across the Great Salt Catcher River, be, and the same is hereby, rechartered and vested in the Broxton Bridge Company, for the space of fourteen years, with the same rates of toll as were heretofore allowed by law.

Broxton
 Bridge.

II. That the ferry across Savannah River, known as Kilcrease's Ferry, be, and the same is hereby, rechartered for the space of fourteen years, and vested in Levi H. McDaniel, his heirs and assigns, with the same rates of toll as were heretofore allowed by law.

Kilcrease's
 Ferry.

III. That Scott's Ferry, across Savannah River, be rechartered and vested in Mary J. Burt, her heirs and assigns, for the space of fourteen years, with the same rates of toll as are allowed at Kilcrease's Ferry.

Scott's Ferry.

IV. That the ferry over the Saluda River, in Abbeville District, known as Johnson's and Puckett's Ferry, (formerly Swanzy's Ferry,) across the Saluda River, be, and the same is hereby, rechartered and vested in Jabez W. H. Johnson and Thomas R. Puckett, and their heirs and assigns, for the term of fourteen years, with the same rates of toll as are allowed at Payne's Ferry.

Johnson's and
 Puckett's Ferry.

V. That a ferry be, and the same is hereby, established across Edisto River, in Colleton District, at Good Hope Landing, to be known as Tucker's Ferry, and that the same be vested in Joseph Tucker, his heirs and assigns, for the space of fourteen years, with the same rates of toll as are allowed at Giveham Ferry.

Tucker's
 Ferry.

VI. That Island Ford Ferry, across the Saluda River, be, and the same is hereby, rechartered and vested in John W. Payne, his heirs and assigns, for the space of fourteen years, with the same rates of toll as were heretofore allowed by law.

Island Ford
 Ferry.

VII. That the ferry across the Seneca River, known as Sloan's Ferry, (in Pendleton,) be, and the same is hereby, rechartered and vested in William Sloan, his heirs and assigns, for the space of fourteen years, with the same rates of toll as are allowed at Knox's Bridge, over Tugaloo River, with the right to erect a toll bridge across said river, at such time as he, the said William, his heirs or assigns, may choose, within the period limited in this Section.

Sloan's Ferry.

A. D. 1853.

Public road
in Barnwell
District.

VIII. That a public road shall be laid out from the residence of H. D. Harrison, on the road leading from Whippy Swamp Cross Road to Barnwell District, to run the nearest and best way, in a northeasterly direction, until it reaches the road crossing the swamp at Rivers' Bridge, near the residence of John Platts, and that H. D. Harrison, William F. Mole and John J. Platts be appointed Commissioners to lay out said road, and that they have power to summon the hands liable to road duty, to establish the same; and when completed, said road shall be placed under the jurisdiction of the Upper Board of Commissioners for Prince William's Parish.

Public road
in Pendleton
District.

IX. That a public road be laid out in Pendleton District, from John M. Grubb's to Knox's Bridge, (formerly Cleaveland's Ferry,) on Tugaloo River, by the way of the bridge on Big Beaver Dam Creek, near Major Larkin Brown's, and that Baylis Hix, David S. Stribbling, William M. Maret, L. A. Osborne and Stephen McCully be appointed Commissioners to lay out said road, and be vested with all the powers given to Commissioners of Roads for that purpose.

Public road
in St. Bartholomew's.

X. That Dr. Thomas Linning, E. S. P. Bellingier, Henry Ferguson and William Godfrey, be, and they are hereby, appointed Commissioners, with the right of calling in an umpire in case of disagreement, to lay out and open a public road by the shortest practicable route, from Walterboro, in St. Bartholomew's Parish, over the branch of the Ashepoo River known as Hyrne's Branch, to Cohen's Corner, the point of intersection of the Ashepoo Neck Road with the Combahee Road, and to erect a draw bridge over said branch at the cost of the Parish: *Provided*, The General Board of Commissioners of Roads of said Parish think it expedient, otherwise at the expense of those who desire the said bridge.

Comm'rs of
inquiry.

XI. That John Bowen, John A. Easley, A. M. Hamilton, Alexander McMahon and Joshua Jamieson be appointed Commissioners to inquire and report to the Legislature, at its next session, what damage, if any, Mr. Mauldin has sustained by the opening a new road through his land from Pickensville to Greenville Court House.

Wando River
Ferry.

XII. That the ferry over the Wando River be rechartered and vested in the Commissioners of Roads for St. Thomas' Parish, and their successors in office, for the space of seven years, with the same rates of toll as are now allowed by law.

Knox's Bridge.

XIII. That Samuel Knox be, and he is hereby, authorized to erect a toll bridge over Tugaloo River, near his residence, and that the same be vested in the said Samuel Knox, his heirs and assigns, for the term of fourteen years, with the following rates of toll, to wit: six horse team, sixty-two and a half cents; five horse team, fifty-six and a quarter cents; four horse team, fifty cents; three horse team, forty-five cents; two horse team, forty cents; one horse team, twenty-five cents; four ox team, thirty-seven and a-half cents; two ox team, twenty-five cents; loose horses and mules, five cents each; cattle, three cents; hogs, two cents; sheep and goats, two cents; foot passengers, five cents; persons on horseback, ten cents: *Provided*, That nothing herein contained shall be so construed as to prevent the construction or chartering of other bridges or ferries by other persons on the said river as they may deem proper.

Rates of toll.

Turnpike in
Pickens.

XIV. That Carwell Hester be, and he is hereby, authorized to construct a turnpike road from Jocassee, in Pickens, by White

Water Falls, to the North Carolina line, and that the right to collect toll at the following rates be vested in the said Carwell Hester, his heirs and assigns, for the term of fourteen years, to wit: four wheeled carriage, twenty cents; buggy or other one horse vehicle, fifteen cents; loaded wagon and team, twenty-five cents; empty, twenty cents; two horse wagon, fifteen cents; cart, ten cents; passenger on horseback, five cents; head of horses or cattle, three cents; hogs, sheep or goats, one cent each.

A. D. 1853.

Rates of toll.

XV. That a public road be laid out in Sumter District, commencing at Mrs. Harriet Hodge's plantation, and running the nearest and best route, so as to intersect the Charleston Road at or near Pocataligo Bridge, and that E. Dubose, J. B. Hodge and J. L. McFadden, of Clarendon, and William Nettles, Elias Hodge and John B. Tindal, of Claremont, be appointed Commissioners to lay out said road and establish the same, and they are invested with all the powers necessary for that purpose.

Public road
in Sumter.

XVI. That a public road be laid out in Edgefield District, from Henderson's or John Doby's, on what is called the Five Notch Road, by Thomas Lanham's, Josiah Lanham's and George Boswell's, to what is called Moore's Road, in said District, and to the Martintown Road leading to the town of Hamburg, and that Thomas H. Patterson, Thomas W. Lanham and George Boswell be appointed Commissioners, with full power to lay out and establish the same.

Public road
in Edgefield.

XVII. That a public road be laid out in Chester District, from the Winstboro Road, at or near Dr. Douglas' gin house, thence by the most practicable route by the way of Blackstock Depot, on the Charlotte and South Carolina Railroad, to unite with the Columbia Road at Debardeleben's, and that James McDill, Robert D. Caldwell and Robert N. Hemphill be appointed Commissioners to lay out said road, and are hereby invested with all powers necessary for laying out and establishing said road.

Public road
in Chester.

XVIII. That John Maxwell be, and he is hereby, authorized to construct a toll bridge across Seneca River, at Maxwell's Ferry, the charter to which said bridge shall be vested in said John Maxwell, his heirs and assigns, for the term of fourteen years, with the same rates of toll as are allowed at Knox's Bridge, over Tugaloo River.

Maxwell's
Bridge.

XIX. That a public road be laid out in Union District, from the Pinkneyville Road to the Skull Shoal Road, at or near Foster's old store, and that D. F. McMahan, Josiah Spears and John P. McKissock be appointed Commissioners to lay out and establish said road, with all the powers necessary for that purpose.

Public road
in Union.

XX. That the public road leading from Pendleton towards Harris' Ferry be, and the same is hereby, discontinued.

Discontinu-
ance of road.

XXI. That a public road be laid out and established in Edgefield District, from or near Rocky Pond Post Office to the Savannah River, at or near Mrs. Williams' Landing, and that William F. Prescott, John F. Middleton and A. B. Addison be appointed Commissioners to lay out said road, with all the powers necessary to lay out and establish said road, and that a ferry be established across Savannah River, at the point where the said road touches said river, to be known as Howle Ferry, and the same be vested in Edward

Public road
in Edgefield.

A. D. 1853.

Howle, his heirs and assigns, for the term of fourteen years, with the same rates of toll allowed at the nearest ferry.

Comm'rs discharged.

XXII. That Samuel Riley, John Hamlin and William C. Venning, appointed by an Act of the General Assembly to lay out Pitt Street, in the town of Mount Pleasant, be discharged from any further duties connected with their said Commission.

Certain persons to erect gates.

XXIII. That Charles H. Minott, W. J. Whales, C. B. Farmer, William Perry and R. L. Barker have permission to erect gates across the road leading through their lands in St. Bartholomew's Parish, called the Chyhaw Road: *Provided*, That said gates be constructed and kept so that passengers can pass through the same without delay or inconvenience.

South Island Road.

XXIV. That the Commissioners of the South Island Road, in Georgetown District, be, and they are hereby, authorized to impose and levy a tax not exceeding two dollars per head per annum, on each and every hand liable to work on the South Island Causeway, which is part of said road, in lieu of the labor of said hands on said causeway: *Provided*, That nothing herein contained shall effect the liability of said hands to perform any other road duty now required of them by law.

Public road in Georgetown.

XXV. That the neighborhood road, in Georgetown District, from the Four Mile Swamp on the Black River Road, by Bass's old field, to the junction of the Sampit and Gapway Roads, be, and is hereby, made a public highway, under the name of the Brick Chimney and Pawley's Swamp Cross Road, and that it be under the control and authority of the Commissioners of Roads for Winyah, and that the said Commissioners are required to work the said road, and are empowered to straighten it, should they deem it advisable, and that the road known as the Indian Hut Road, be, and is hereby, discontinued as a public road.

Old Township Road.

XXVI. That the road leaving the stage road a short distance above Morris's Upper Ferry, in Georgetown District, and intersecting the County line road near Big Dam Swamp, be, and is hereby, declared a public road under the title of the Old Township Road, under the control of the Commissioners of Roads for Winyah.

Tolls at Augusta Bridge.

XXVII. That James Jones and Joseph J. Kennedy, assignees of Henry Shultz and John McKinne, be, and they are hereby, authorized to collect the tolls prescribed by the twenty-first Section of the Act to establish certain roads, bridges and ferries, passed the nineteenth day of December, in the year of our Lord eighteen hundred and forty-eight, from all persons passing from either side over the bridge across the Savannah River at Hamburg and Augusta: *Provided, however*, That nothing herein contained shall in any wise impair or prejudice any right or property claimed by the City Council of Augusta in respect to the one-half of the material structure of the said bridge within the territorial limits of this State.

Proviso.

Labor on roads.

XXVIII. That whenever any of the statutory labor, under the control of the Boards of Commissioners of Roads, shall be called out for the purpose of repairing any road, or removing obstructions from any road, it shall be in proportion to the entire number of laborers returned as liable to road duty on any farm or plantation within the year. And whenever, incidentally, labor shall be performed in repairing the roads or removing obstructions therefrom,

it shall be the duty of the Commissioner or Commissioners of such road or roads, to credit with said labor, the farm or plantation from which it shall have been exacted, which credit shall be allowed such farm or plantation in future calls upon it for labor.

XXIX. That an Act entitled "An Act to prevent obstructions to the free passage of fish up the river Keowee and its waters," passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, be, and the same is hereby, repealed, so far as the same relates to mills and mill dams.

XXX. That the seventeenth and twentieth Sections of an Act entitled "An Act to establish certain roads, bridges and ferries, and to amend the law respecting Commissioners of Roads in certain particulars," passed on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, providing for the opening of two public roads in York District, be, and the same are hereby, so amended that the said roads are declared to be *private paths*, and shall be kept in repair as provided by law for keeping in repair roads of that description: *Provided*, That those who are required to work on said paths are hereby declared to be exempt from common road duty.

A. D. 1853.

Partial repeal of Act of 1811.

Private paths in York District.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE FORMATION OF THE NEWBERRY AND CHESTER RAILROAD COMPANY. No. 4140.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad on the most practicable route, from some point on the Greenville and Columbia Railroad, at or near the town of Newberry, to some point on the Charlotte and South Carolina Railroad, at or between the town of Chester and Cornwell Station, which said company shall have exclusive right to make, keep up, and use such railroad; and for the term of time hereinafter to be mentioned, no other railroad shall be constructed between the same points.

Route of railroad.

II. That the stock of the company hereby authorized shall consist of twenty-four thousand shares, of twenty-five dollars each; but said company shall be at liberty to enlarge their said capital, as in the progress of their undertaking they may find necessary, either by additional assessment on the original shares, not to exceed in the whole the sum of five dollars on each original share, or by new subscriptions, to an amount not exceeding five hundred thousand dollars, the terms and conditions of which new subscriptions the said

Amount of stock.

A. D. 1853.

company is authorized to prescribe; and it shall be lawful for the said company, from time to time, to invest so much of their capital, or of their profits, as may not be required for immediate use, and until it may be so required, in public stocks, or stocks of every bank or other incorporated body, and to draw and apply the dividends, and to sell and transfer as they shall see fit any portion of the stock.

Subscription.

III. That the books of subscription of the stock of the said company, hereby authorized, shall be opened at Newberry Court House, Chester Court House, Maybinton, and such other places, and by such Commissioners, and at such times, as shall be appointed and fixed by the Governor; notice whereof shall be given by each set of Commissioners, either by advertising in a gazette, or such other manner as they may deem best, for at least one month prior to the time for the opening of said books; individuals may subscribe for as many shares as they may see fit, paying to the Commissioners at the time of subscription one dollar on each share subscribed for. And the Commissioners shall designate in books, opposite to the names of the subscribers, the day of subscription, the number of shares subscribed, and the sum of money paid, respectively; and for the sums so paid, the Commissioners shall give receipts to the individuals paying, and as soon as may be deposit the money in some specie paying bank of the State of South Carolina, subject for so much thereof as may be refunded to subscribers upon adjustment made in case of over subscription, to the joint check of said Commissioners, and subject for the balance to the check or order of said company through its President and Directors.

Duty of Commissioners.

IV. That when the books shall be closed on the last day, the Commissioners at each of the places before designated, respectively, shall transmit to the Commissioners at Newberry Court House a list of subscribers, with such designations as are contained in the subscription books, with a certificate appended thereto, to be signed by each Commissioner, that the money is deposited in bank conformably to this Act, naming the bank. And thereupon the Commissioners at Newberry Court House, from all the lists of subscribers, shall prepare a general list, and ascertain whether the shares subscribed are equal to the capital prescribed for the company. If the shares subscribed shall exceed twenty-four thousand, then the shares shall be reduced rateably to that number, except that no subscription of five shares or under shall be reduced. If the number of shares subscribed shall be less than eight thousand the Commissioners at Newberry Court House may keep open the books at that place until the number of eight thousand shares shall be subscribed. If the number of shares shall amount to eight thousand, the said company may thereupon be formed, and when organized, the Board of Directors may cause the books to be opened, after sixty days' notice of the time and place of subscription, and receive such subscriptions as can be obtained; and may keep open the books until the whole amount of eight thousand shares shall have been subscribed.

When organized.

V. That as soon as the number of eight thousand shares shall have been subscribed, in manner aforesaid, the company shall be considered as formed, and this Act of incorporation shall attach and become effectual, and the company may take measures for complete organization. To this end the Commissioners at Newberry Court

House shall appoint a convenient time and place for the meeting of stockholders, and shall cause the same to be advertised in the public gazettes for four weeks previous to the day of meeting, at which time and place the subscribers of stock may attend, in person or by proxy, and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance, in person or by proxy, the Commissioners at Newberry Court House, or a majority of them attending, shall present a ballot-box, in which the subscribers may vote by ballot for a President and twelve Directors, to serve for one year, and until a new election be made; and the presiding Commissioners shall count the ballots, declare the election, and make and deliver proper certificates thereof under their hands.

A. D. 1853.

Election for
President and
Directors.

VI. That at such meeting, or any other meeting of the company, each member shall be entitled to one vote upon each share held by him, not more than fifty; to one vote on every five shares held by him exceeding fifty and not more than one hundred; and on all shares exceeding one hundred, to one vote on every ten shares; to be given by the stockholder, in person or by his proxy, in all elections, and on all matters submitted to the decision of the company; and to constitute a meeting of the stockholders authorized to make elections, or decide on any matter on which it shall be necessary for the stockholders to act as a company, a majority of all the shares shall be represented, by the stockholders themselves or by their proxies; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time until a regular meeting shall be formed.

Scale of votes.

VII. That the election of President and Directors shall be made annually, according to the by-laws to be made for that purpose; and in case any vacancy occur in the Board, between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect by ballot, from the stockholders, a person to fill the vacancy so occurring, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election as to all or any of them being effected, the corporation shall not be dissolved nor discontinued thereby, but it shall be lawful on any other day to hold and to make such election, in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the sixth Section of this Act.

Annual elec-
tions.

VIII. That the said company, to be organized as aforesaid, shall be called the Newberry and Chester Railroad Company, and have perpetual succession of members; may make and have a common seal, and break and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all Courts of law and equity, or judicial tribunals in this State, and shall be capable at all times of making and establishing, altering and revoking, all such regulations as they may find necessary and proper, for effecting the ends and purposes intended by the association, and contemplated in this Act: *Provided*, Such regulations, rules and by-laws be not repugnant to the Constitution and laws of the State.

Rights and
privileges.

IX. That the said Newberry and Chester Railroad Company shall have power and capacity to purchase, take and hold in fee

Power to hold
property.

A. D. 1853.

simple or for years, to them and their successors, any lands, tenements or hereditaments that they may find necessary for the site on and along which to locate, run and establish the railroad aforesaid, or to vary or to alter the plan or plans to such breadth or dimensions through the whole course of the road as they may see fit, and in like manner to purchase, take and hold any land contiguous to or in the vicinity of the said railroad that they may find necessary for the procuring, and from time to time readily obtaining all proper materials, of what kind soever, for constructing, repairing, guarding and sustaining the said railroad, and in like manner to purchase all private rights of way or water courses that may lie on or across the route through which the said railroad may pass, and also all lands contiguous thereto that may be found necessary for the erecting of toll houses, work shops, barns, stables, residences, and accommodations for servants, agents and mechanics, and for stabling and maintaining all animals of labor; and the said company shall have power, if need be, to conduct their railroad across and over any public road, river, creek, waters or water courses that may be in the route: *Provided*, That the passage of the road or navigation of the stream be not obstructed thereby.

Comm'rs to
assess dama-
ges.

X. That in any case where lands or private rights of way may be required by the said Company for the purposes aforesaid, and the same cannot be purchased from the owner or owners, for want of agreement of the parties as to price, or from any other cause, the same be taken by the company at a valuation to be made by Commissioners, or a majority of them, to be appointed by the Court of Common Pleas of the District in which any part of the land or right of way may be situated, and the said Commissioners, before they act, shall severally take an oath before some magistrate, faithfully and impartially to discharge the duty assigned to them. In making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owners in consequence of the land or the right of way being taken, and also the benefit or advantage he, she or they may receive from the establishment or erection of the railroad and works, and shall state particularly the nature and amount of each; and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of the said Commissioners, accompanied with a full description and plat of the said land, shall be returned under the hands and seals of a majority of the said Commissioners to the Court from which the commission issued, there to remain of record.

Right of ap-
peal.

Either party to the proceedings may appeal from the said valuation to the next session of the Court granting the commission, giving reasonable notice to the opposite party of such appeal; and the Court, upon satisfactory proof that the appellant has been injured by such valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the lands and right of way so valued by the Commissioners or jury shall vest in the said company in fee simple, so soon as the valuation thereof may be paid, or tendered and refused. Where there shall be an appeal, as aforesaid, from

the valuation of Commissioners by either of the parties, the pendency of such appeal shall not prevent the company from proceeding in the construction of their work in and upon said land or way; when the appeal shall be made by the company requiring the surrender, they shall be at liberty to proceed in their work, only on condition of giving to the opposite party a bond with good security, to be approved by the Clerk of the Court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the Court. In all assessments made by the Commissioners or jury, as aforesaid, after the construction of the road or the part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of the said road or part thereof, and the use thereof by said company for the purpose of said road shall be considered as an actual possession of said land covered by said road, and the space of one hundred feet on both sides of said road as aforesaid.

A. D. 1853.

XI. That in the absence of any written contract between the said company and the owner or owners of land through which the said railroad may be constructed, in relation to such land, it shall be presumed that the land upon which the said railroad may be constructed, together with one hundred feet on each side of the centre of said road, has been granted to the said company by the owner or owners thereof, and the said company shall have good right and title to the same, (and shall have, hold and enjoy the same,) unto them and their successors so long as the same may be used only for the purpose of the said road, and no longer, unless the person or persons to whom any right or title of such lands, tenements or hereditaments descend or come, shall prosecute the same within ten years next after the construction of such part or portion of the said road as may be constructed upon the lands of the person or persons so having or acquiring such right to the title as aforesaid; and if any person or persons to whom any right or title to such lands, tenements or hereditaments belong or shall hereafter descend or come, do not prosecute the same within five years next after the construction of the part of the said road upon the lands of the person or persons so having or acquiring such right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever barred to recover the same: *Provided*, That nothing herein contained shall affect the right of *feme covert*s, infants, or persons beyond seas, until two years after the removal of their respective disabilities.

Title to lands
taken for road.

XII. That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one mile from the centre of the main track of the said road that may be constructed, be, and they are hereby, vested in the said company and their successors, so long as the same may be used for the purpose of the said road, and no longer.

Ungranted
lands vested in
company.

XIII. That the said company shall at all times have the exclusive right of conveyance or transportation of persons, merchandise and produce over the railroad to be by them constructed, while they

Rights as
common car-
riers.

A. D. 1853.

see fit to exercise the exclusive right; and the said company are hereby authorized to fix and determine upon such rates of charge for the transportation of persons, merchandise and produce as to them shall seem necessary and proper to secure a reasonable and adequate return upon the capital invested. The said company may, when they see fit, let or farm out all or any part of their exclusive right of transportation of persons, merchandise and produce, with their privileges, to any individual or individuals or other company, and for such terms as may be agreed upon, and the said company, in the exercise of their right of conveyance and transportation of persons or property, and the persons so taking from the company the right of conveyance or transportation, so far as they act on the same, shall be regarded as common carriers; and the said company may use or employ any sections of their proposed railroad before the whole shall be completed, which may afford public accommodations for their conveyance of persons, merchandise and produce, and the said company shall have power to take, at the storehouses they may establish or annex to the said railroad, all goods, wares, merchandise and produce intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable prices and compensation for storage and labor as they may by regulations establish, (which regulations they shall publish,) or as may be agreed upon with the owners.

Power to regulate vehicles to be used on road.

XIV. That whenever the said company shall see fit to farm out as aforesaid, to any other person or persons or body corporate, any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open the said railroad or any part thereof to public use, they shall and may adopt and enforce any necessary rules and regulations, and have power to prescribe the construction and size or burthen of all carriages and vehicles, and the materials of which they shall be made, that shall be permitted to be used or pass on the said railroad, and the locomotive power that shall be used with them.

Fines and penalties for intruding on road.

XV. That if any person or persons shall intrude upon said railroad or any part thereof, by any manner or use thereof, or of the rights or privileges connected therewith, without the permission or contrary to the will of the said company, he, she or they shall forfeit to the company all the vehicles, articles and animals that may be so intentionally introduced and used thereon, and the same may be seized by the company or its agents, or recovered by a suit at law; and, moreover, the person or persons so intruding, shall and may be indicted as for a misdemeanor, and, upon conviction, be fined or imprisoned, in the discretion of the Court of Sessions, in the District in which he, she or they shall be tried and convicted; and if any person shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct the said railroad, or any vehicle, edifice, right or privilege granted by this Act, and constructed and employed under the authority thereof, such person, so offending, shall be liable to be indicted as for a misdemeanor therefor, and on conviction thereof, shall be imprisoned not more than six months, and be fined not more than five hundred nor less than twenty dollars, and shall be further liable to pay to the said company any damages occasioned by the said injury, and all expenses

of repairing the same. The one half of all fines that may be imposed by the Court, under this Act, shall be paid to the informer, and the other half to the said company. The provisions of this Section shall be extended as well to the owners of the lands through which the said road may be constructed as to other persons, and no owner or other person claiming under him or her shall avoid the said provisions by the plea of *liberum tenementum*, or any other plea whatever.

A. D. 1853.

XVI. That the right to make, keep up and use the said railroad, and the conveyance and transportation thereupon, shall vest and continue in the said company for and during the term of thirty-six years, to be computed from the time of the corporate existence of the company: *Provided*, That the subscription of stock in the said company be filled up to the amount of eight thousand shares within eighteen months from the passing of this Act, and the said railroad be commenced within two years, and be completed within ten years after the shares shall be subscribed.

Limit of charter.

Proviso.

XVII. That after the President and Directors shall be elected, as aforesaid, it shall always be in the power of the President and Directors of the company, at a meeting of the Board, a majority being present, to nominate and appoint a Secretary, Treasurer and all other officers, agents and servants that they may deem necessary, or that may be prescribed in the by-laws of said company, and to remove the same at pleasure, and also to require and take from all the officers, agents and servants such bond or bonds and security as the Board or the by-laws may prescribe for securing the fidelity, obedience and accountability of said officers, agents and servants, and their punctual surrender and delivery of all moneys and property on the termination of their offices by resignation, removal or expiration of their term.

President and Directors to appoint agents, &c.

XVIII. That the President and Directors, by an order signed by the President, shall have power to draw from banks all such sums of money as may have been received by the different sets of Commissioners for the first payment by subscribers upon their subscriptions of stock, as before provided, except the sums for such shares as may be cancelled and thrown out upon adjustment of the shares, in case of over subscription, which shall be drawn and repaid to the subscribers of such shares by the Commissioners respectively, before whom such subscriptions were made, immediately upon notification to said Commissioners of such adjustment.

Power to draw money.

XIX. That every subscriber or holder of stock in said company shall pay to the company the amount of the shares by him or her subscribed or held, in such instalments, not exceeding five dollars on each share at one time, and at such periods, with intervals of not less than sixty days, as shall be prescribed and called for by the Directors, of which periods of payments and the sums required the Board of Directors shall cause public notice to be given for at least four weeks previous to such periods of payment, by advertisement in one of the gazettes published at Columbia, and on failure of any subscriber or stockholder to pay up any instalments so called for by the Directors, the shares upon which default shall be made, together with any past payments thereon, shall be forfeited to the company, and be appropriated as they shall see fit. And

Instalments.

A. D. 1853.

the said company shall and may prescribe, in and by their by-laws, rules and regulations, the mode of issuing the evidence of shares of stock, and the manner, terms and conditions of assigning shares of the stock.

Forfeiture of
shares of de-
linquent sub-
scribers.

XX. That if any stockholder shall fail to pay the instalment required of him on his share or shares, within one month after the same shall have been advertised, in one or more newspapers published in this State, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving twenty days' notice of the time and place of sale; and after retaining the sum due, and all the expenses incident on the sale out of the proceeds, shall pay the surplus to the former owner or his legal representative or assignees. And any purchaser of the stock of the company under the sale of the President and Directors, as aforesaid, shall be subject to the same rules and regulations as the original proprietor, and no sale by the original proprietor of stock or his assignees shall release the original proprietor from his obligation to the company to pay the whole amount of his subscription. And in addition to the foregoing remedy, the President and Directors may proceed by action of assumpsit or debt in any of the Courts of law for the recovery of the instalments due and not paid by any delinquent subscriber or stockholder, or his assignee, who shall not pay the same on requisition made in manner and form as aforesaid.

Increase of
stock.

XXI. That if the said company determine to increase their capital stock, by additional assessments on the original shares as hereinbefore provided, the sums so assessed shall be called for in such instalments, at such periods and such notices, and not otherwise, as are provided in the nineteenth Section of this Act, and the failure to pay up such assessments shall induce a forfeiture to the company, in like manner as provided in said Section, of the shares of stock on which default shall be made.

Powers of
Direction of
the company.

XXII. That the President and Directors shall be styled the Direction of the Company, and shall have power to call for instalments, declare all dividends of profits, make all contracts and agreements in behalf of the company, and to do and perform all other lawful acts and deeds which, by the by-laws of the corporation, they may be authorized and required to do and perform; and the acts or contracts of the Direction, authorized by the signatures of the President and Secretary, shall be binding on the company without seal. The Direction shall not exceed in their contracts the amount of the capital in the company, and in case they do so, the President and Directors, who are present at the meeting when such contracts exceeding the capital shall be made, shall be jointly and severally liable for the excess, as well to the contractors as to the company: *Provided*, That any one may discharge himself from such liability by voting against such contracts, causing such vote to be recorded in the minutes of the Direction, and giving notice thereof to the next general meeting of the stockholders. The Direction shall keep regular minutes of all their meetings and of the acts there done, and they shall make a full report of the state of the company and of its affairs to a general meeting of the stockholders,

Liability.

at least once in every year, and oftener, if so directed by the by-laws, and they shall have power to call a general meeting of the stockholders, when they may deem it expedient, and the company may provide in their by-laws for occasional meetings of the stockholders, and prescribe the mode of calling the same.

XXIII. That the following officers and persons, while in the actual employment of the said company, shall be exempt from the performance of ordinary militia duty, and from service on juries, viz: The Chief Engineer and Assistant Engineers, the Commissioners and Superintending Officer, the Secretary and the Treasurer of the Directors, the Keepers of Depositories, the Guards stationed on the road to protect it from injury, (not exceeding one white man to every five miles,) and such persons as may be actually employed in working the locomotive engines and traveling with cars for the purpose of attending to the transportation of passengers or goods on the said road, not exceeding one white engineer and his white assistant to each engine, and one white person to each passenger car, and to every five cars for the transportation of goods.

XXIV. That the said Newberry and Chester Railroad Company shall be, and is hereby, excepted from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporations will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one; but nothing herein contained shall be construed to exempt the said company from the provisions of the said forty-first Section, upon any future grant, renewal or modification of their charter.

XXV. That the said company, if they agree upon the terms of union, unite with and become a part of the Greenville and Columbia Railroad Company, or of the Charlotte and South Carolina Railroad Company, in either of which events the rights and privileges conferred by this Act shall belong to the two companies so uniting.

XXVI. That any company or companies which may be hereafter chartered for the purpose shall have the right to construct a railroad or railroads to unite with the railroad by this charter, authorized to be constructed, upon fair and equitable terms, to be fixed by arbitration, in case the companies interested shall not agree in the matter.

XXVII. This Act shall be deemed a public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1853.

Persons exempt from militia and jury duty.

Exempted from 41st Section of Act of 1841.

May unite with other roads.

Companies to be hereafter chartered may unite.

Public Act.

A. D. 1853.

AN ACT TO INCORPORATE THE BRANCHVILLE AND SAVANNAH RAILROAD COMPANY.

No. 4141.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad from Branchville, on the South Carolina Railroad, to Owens' Cross Roads, in Barnwell District, and thence by the most practicable route to such point, at or near Puryburg on Savannah River, as may be determined by the stockholders of said company.

Formation
of company.

Capital stock.

II. That the capital stock of said company shall consist of ten thousand shares at one hundred dollars each, but that said company shall be at liberty to enlarge the said capital to the amount of fifteen thousand shares, as in the progress of their undertaking they may find necessary, either by assessment on the original shares, not to exceed on the whole the sum of fifty dollars each, the terms and conditions of which new subscription said company is authorized to prescribe, and it shall be lawful for said company, from time to time, to invest so much of the capital, or of their profits, as may not be required for immediate use, and until it may be required, in public stock or stocks of any bank or other incorporated body, and to draw and apply the dividends, and to sell or transfer, as they shall see fit, any portion of the stock.

Books opened.

Commission-
ers.

III. That the books for subscription of the stock of the said company, hereby authorized, shall be opened at Branchville, Lowry's Turn Out, Blackville, Barnwell Court House, Moore's Cross Roads, Whippy Swamp Cross Roads, Lawtonville, Robertsville, Puryburg and Charleston, by three Commissioners at each place; at Branchville, Donald R. Barton, P. Chartrand and Oliver Ott; at Lowry's Turn Out, William S. Bamberg, Wm. H. Wroter and George Y. Patrick; at Blackville, John E. Tobin, Wm. H. Montague and William S. Reynolds; at Barnwell Court House, Lewis O'Bannon, S. J. Bailey and J. M. Hutson; at Moore's Cross Roads, B. W. Lawton, John M. Allen and Wm. M. Bostwick; at Whippy Swamp Cross Roads, B. McBride, Thomas H. Willingham and John J. Harrison; at Lawtonville, Thomas Willingham, George Rhodes, Sr., and Edmund Martin; at Robertsville, J. Lartigue, A. J. Lawton and Charles Jendon; at Puryburgh, John P. Raymond, John L. Meriff and Joseph Hasell; at Charleston, Edward Bostwick, George H. Walter and Thomas Reilly; and the books shall be opened at each of the said places on the same day, to wit: the first Monday in February next, and be kept open at each place until the second Monday in April next, between the hours of nine o'clock A. M. and three o'clock P. M., during the said time, notice whereof shall be given by each set of Commissioners of the time and place of subscribing, either by advertising in a gazette, or such other manner as they may deem best, for at least ten days previous to the opening of the said books. Upon the books being opened, individuals or corporations may subscribe for as many shares as they see proper, paying to the Commissioners at the time of subscription, one dollar on each share subscribed for, and the Commissioners shall designate opposite to the names of the subscribers the day of subscription, the

Manner of
subscribing.

number of shares subscribed, and the sums of money paid respectively, and for the sums so paid the Commissioners shall give receipts to the individuals paying, and as soon as may be, deposit the money in the Bank of the State of South Carolina, or some of its branches, subject for so much thereof as may be refunded to subscribers upon adjustment made in case of over subscription, to the joint check of said Commissioners, and subject for the balance to the check or order of the said company, through its President and Directors.

IV. That when the books shall be closed on the last day, the Commissioners at each of the places designated respectively as aforesaid, shall transmit to the Commissioners at Robertsville, a list of subscribers, with such designations as are contained in the subscription books, with a certificate appended thereto, signed by each of the Commissioners, stating the amount of stock taken by each subscriber; and thereupon the Commissioners at Robertsville, from all the lists of subscribers, shall prepare a general list, and ascertain whether the shares subscribed are equal to the capital prescribed for said company. If the number of shares shall exceed ten thousand, the Commissioners at Robertsville shall reduce the shares ratably to that number, except that no subscription of five shares, or under, shall be reduced. If the number of shares shall be less than three thousand, the Commissioners at Robertsville, Lawtonville and Whippy Swamp Cross Roads may keep the books open in those places until the number of three thousand shares shall be subscribed. If the number of three thousand shares shall be subscribed, the company may thereupon be formed, and when formed and organized, may cause the books to be opened by the Directors, after thirty days' notice of the time and place of subscription, and receive such subscriptions as can be obtained, and may keep open the books until the whole amount of ten thousand shares shall be subscribed. And that all the powers and privileges vested by the charter of the Spartanburg and Union Railroad Company be, and the same are hereby, vested in the Branchville and Savannah Railroad Company, and subject to all the limitations and restrictions contained in said charter: *Provided*, That the said company shall permit any railroad company, now or hereafter chartered by this State, to form a junction or connection with the said railroad, hereby authorized to be constructed, at any point designated by the charter of such railroad company, and especially shall permit the Charleston and Savannah Railroad Company to form such junction or connection at any point of the said railroad, hereby authorized to be constructed, which the said Charleston and Savannah Railroad Company may choose.

V. That the charter of said company shall continue in force for the space of thirty-six years, and that this Act shall be taken and deemed a public Act.

A. D. 1853.

Duty of Commissioners.

When organized.

Powers and privileges.

Other roads may connect.

Limitation of charter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1853.

AN ACT TO CHARTER THE CHARLESTON AND SAVANNAH RAILROAD COMPANY.

No. 4142.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad, by the shortest practicable route, from a point within or near the limits of the city of Charleston, to a point near or within the limits of the city of Savannah, such points to be hereafter selected by the stockholders, which said company shall have the exclusive right to make, keep up and use such railroad; and for the term of time hereinafter to be mentioned no other railroad shall be constructed between the points above designated.

Capital stock.

II. That the stock of the company hereby authorized shall consist of fifteen thousand shares of one hundred dollars; but the said company shall be at liberty to enlarge their said capital, as in the progress of their undertaking they may find necessary, either by additional assessment on the original shares, not to exceed in the whole the sum of twenty-five dollars on each original share, or by new subscriptions of not more than one hundred dollars each; the terms and conditions of which new subscriptions the said company is authorized to prescribe; and it shall be lawful for the company, from time to time, to invest so much of their capital or of their profits as may not be required for immediate use, and until it may be so required, in public stock or stocks of any bank or other incorporated body, and to draw and apply the dividends, and to sell or transfer as they shall see fit any portion of the stock.

Books for subscription opened.

III. That the books for subscription of the stock of the said company hereby authorized shall be opened at Charleston, Adam's Run, Edisto Island, Walterborough, Ashepoo, Salt Ketcher Bridge, Pocotaligo, Gillisonville Court House, Beaufort, Grahamville, Bluffton, Robertsville, Whippy Swamp Muster Ground, Purysburg and Lawtonville, by three Commissioners in each place, to be appointed by the Governor, and the books shall be opened in each of the said places on the same day, to wit: First Monday of March, in the year of our Lord one thousand eight hundred and fifty-four, and be kept open at each place for three days thereafter, between the hours of nine and two o'clock P. M., notice whereof shall be given by each set of Commissioners of the times and places of subscribing, either by advertising in a gazette, or such other manner as they may deem best, for at least one month prior to the time for opening said books; upon the books being opened individuals may subscribe for as many shares as they may see fit, paying to the Commissioners at the time of subscription, five dollars on each share subscribed for; and the Commissioners shall designate in the books, opposite to the names of the subscribers, the day of subscription, the number of shares subscribed and the sum of money paid respectively; and for the sums so paid the Commissioners shall give receipts to the individuals paying, and as soon as may be, deposit the money in the Bank of the State of South Carolina, subject for so much thereof as may be refunded to the subscribers upon adjustment made in case of over subscription, to the joint check of said Commissioners, and

Manner of subscribing.

subject for the balance to the check or order of said company, through its President and Directors.

IV. That when the books shall be closed on the last day, the Commissioners at each of the places before designated, respectively, shall transmit to the Commissioners in Charleston a list of the subscribers, with such designations as are contained in the subscription books, with a certificate appended thereto, to be signed by each Commissioner, that the money is deposited in bank conformably to this Act, naming the bank, and thereupon the Commissioners in Charleston, from all the lists of subscribers, shall prepare a general list, and ascertain whether the shares subscribed are equal to the capital subscribed for the company, or greater or less in amount than the said capital. If the number of the shares subscribed shall exceed fifteen thousand, then the shares shall be reduced rateably to that number, except that no subscription of five shares or under shall be reduced. If the number of shares subscribed shall be less than three thousand, the Commissioners in Charleston, Gillisonville and Walterborough, may keep the books open at those places until the number of three thousand shares shall be subscribed. If the number of shares subscribed shall amount to three thousand, the said company may thereupon be formed, and when organized may cause the books to be opened by the Directors, after sixty days' notice of the time and place of subscription, and receive such subscriptions as can be obtained, and may keep open the books until the whole amount of fifteen thousand shares shall have been subscribed.

V. That as soon as the number of three thousand shares shall have been subscribed, in manner aforesaid, the company shall be considered as formed, and this Act of incorporation shall attach and become effectual, and the company may take measures for complete organization. To this end the Commissioners in Charleston shall appoint a convenient time and place for the meeting of stockholders, and shall cause the same to be advertised in the public gazettes for four weeks previous to the day of meeting; at which time and place the subscribers of stock may attend, in person or by proxy; and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance, in person or by proxy, the Commissioners at Charleston, or a majority of them attending, shall present a ballot box, in which the subscribers may vote by ballot for a President and twelve Directors, to serve for one year, and until a new election be made; and the presiding Commissioners shall count the ballots, declare the election, and make and deliver proper certificates thereof under their hands.

VI. That in the said election, and in all future elections of President and Directors, and in the making, altering and repealing of by-laws, and in determining on measures involving the interests of the company, at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of three or four shares shall be entitled to two votes; the owner of five or six shares shall be entitled to three votes; the owner of seven or eight shares shall be entitled to four votes; the owner of not less than nine nor more

A. D. 1853.

Duties of
Comm'rs.

When organized.

Ballot for
President and
Directors.Regulating
voting.

A. D. 1853.

Proxies.

than eleven shares to five votes; the owner of not less than twelve nor more than fifteen shares to six votes; the owner of not less than sixteen nor more than twenty shares to seven votes; the owner of not less than twenty-one nor more than twenty-six shares to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares to nine votes; the owner of not less than thirty-four nor more than forty shares to ten votes; and the owner of shares above forty shall be entitled to one vote for every ten shares above forty. No one but a subscriber shall be capable of being a proxy; and the appointment of a proxy shall be in writing, signed by the stockholder appointing; any person offering to vote as a proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que trust* holds other shares, either in his own name or in the name of another trustee; but the *cestui que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

Annual elections.

VII. That the election of President and Directors shall be made annually, according to the by-laws to be made for the purpose; and in case any vacancy occur in the Board, between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect by ballot, from the stockholders, a person to fill the vacancy so occurred, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election, as to all or any of them being effected, the corporation shall not be dissolved nor discontinued thereby; but it shall be lawful on any other day to hold and to make such election, in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the sixth Section of this Act.

Name.

VIII. That the said company, to be organized as aforesaid, shall be called "The Charleston and Savannah Railroad Company," and have perpetual succession of members; may make and have a common seal, and break and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all Courts of Law and Equity, or judicial tribunals, in this State, and shall be capable at all times of making and establishing, altering and revoking, all such regulations, rules and by-laws, for the government of the company and its direction, as they may find necessary and proper for effecting the ends and purposes intended by the association, and contemplated by this Act: *Provided*, Such regulations, rules and by-laws be not repugnant to the Constitution and laws of the State.

Rights and powers.

IX. That the said "Charleston and Savannah Railroad Company" shall have power and capacity to purchase, take and hold, in fee simple, for years, to them and their successors, any lands, tenements or hereditaments, that they might find necessary for the site on and along which to locate, run and establish the railroad aforesaid, or to vary or to alter the plan or plans to such breadth or dimensions, through the whole course of the road, as they may see fit; and in like manner to purchase, take and hold, any land

contiguous to, or in the vicinity of, the said railroad, that they may find necessary for the procuring, and from time to time readily obtaining, all proper materials, of what kind soever, for constructing, repairing, grading and sustaining the said railroad; and in like manner to purchase all private rights of way or water-courses that may lie on or across the route through which the said railroad may pass; and also all of lands contiguous thereto that may be found necessary for the erecting of toll houses, store houses, workshops, barns, stables, residences and accommodation for servants, agents and mechanics, and for the stabling and maintaining all animals of labor; and the said company shall have power, if need be, to conduct their railroad across and over any public road, river, creek, waters or water-courses, that may be in the route: *Provided*, That the passage of the public road, or navigation of the stream, be not obstructed thereby.

X. That in any case where lands or private rights of way may be required by the said company for the purposes aforesaid, and the same cannot be purchased from the owner or owners, for want of agreement of the parties as to price, or from any other cause, the same may be taken by the company at a valuation to be made by the Commissioners, or a majority of them, to be appointed by the Court of Common Pleas of the District in which any part of the land or right of way may be situated; and the said Commissioners, before they act, shall severally take an oath before some magistrate faithfully and impartially to discharge the duty assigned to them. In making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right of way being taken; and also the benefit or advantage he, she or they may receive from the establishment or erection of the railroad and works, and shall take particularly the nature and amount of each; and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of the said Commissioners, accompanied with a full description and plat of the said land, shall be returned, under the hands and seals of a majority of the said Commissioners, to the Court from which the commission issued, there to remain of record. Either party to the proceeding may appeal from the said valuation to the next session of the Court granting the commission, and giving reasonable notice to the opposite party of such appeal; and the Court, upon satisfactory proof that the appellant has been injured by such valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the lands and right of way so valued by the Commissioners or jury shall vest in the said company in fee simple so soon as the valuation thereof may be paid, or tendered and refused. Where there shall be an appeal, as aforesaid, from the valuation of the Commissioners by either of the parties, the pendency of such appeal shall not prevent the company from proceeding in the construction of their work in and upon said land or way; but when the appeal shall be made by the company requiring the surrender, they shall

A. D. 1853.

Right of way.

Valuation of land by Commissioners.

Either party may appeal.

A. D. 1853.

be at liberty to proceed in their work only on condition of giving to the opposite party a bond with good security, to be approved of by the Clerk of the Court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the Court. In all assessments made by the Commissioners or jury as aforesaid, after the construction of the road or the part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of the said road or part thereof; and the use thereof by said company for the purposes of said road shall be considered as an actual possession of said land covered by said road, and the space of one hundred feet on both sides of said road as aforesaid.

Title of Com-
pany to lands,
on each side of
road.

XI. That in the absence of any written contract between the said company and the owner or owners of land through which the said railroad may be constructed, in relation to said land, it shall be presumed that the land upon which the railroad may be constructed, together with one hundred feet on each side of the centre of said road, has been granted to the said company by the owner or owners thereof; and the said company shall have good right and title to the same (and shall have, hold and enjoy the same) unto them and their successors so long as the same may be used only for the purposes of the said road and no longer, unless the person or persons to whom any right or title to such lands, tenements, or hereditaments, descend or come, shall prosecute the same within two years next after the construction of such part or portion of the said road as may be constructed upon the lands of the person or persons so having or acquiring such right to the title as aforesaid; and if any person or persons to whom any right or title to such lands, tenements or hereditaments belong, or shall hereafter descend or come, do not prosecute the same within two years next after the construction of the parts of the said road upon the lands of the person or persons so having or acquiring such right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever barred to recover the same: *Provided*, That nothing herein contained shall affect the rights of *feme covert*s, infants, or persons beyond seas, until two years after the removal of their respective disabilities.

Rights
common
riars.

XII. That the said company shall, at all times, have the exclusive right of conveyance or transportation of persons, merchandise and produce, over the railroad to be by them constructed, while they see fit to exercise the exclusive right; and the said company are hereby authorized to fix and determine upon such rates of charge for the transportation of persons, merchandise and produce as to them shall seem necessary and proper to secure a reasonable and adequate return upon the capital invested. The said company may, when they see fit, let or farm out all or any part of their exclusive right of transportation of persons, merchandise and produce, with their privileges, to any individual or individuals, or other company, and for such terms as may be agreed upon, subject always to the proviso contained in this Section in relation to the

rates of charge; and the said company, in the exercise of their right of conveyance and transportation of persons and property, and the persons so taking from the company the right of conveyance or transportation, so far as they act on the same, shall be regarded as common carriers; and the said company may use or employ any sections of their proposed railroad before the whole shall be completed, which may afford public accommodation for the conveyance of persons, merchandise and produce; and the said company shall have power to take, at the storehouses they may establish or annex to the said railroad, all goods, wares, merchandise and produce, intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable prices and compensation for storage and labor as they may by regulations establish, (which regulations they shall publish,) or as may be agreed upon with the owners.

A. D. 1853.

XIII. That whenever the said company shall see fit to farm out, as aforesaid, to any other person or persons, or body corporate, any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open the said railroad, or any part thereof, to public use, they shall and may adopt and enforce any necessary rules and regulations, and have power to prescribe the construction and size or burthen of all carriages and vehicles, and the materials of which they shall be made, that shall be permitted to be used or passed on the said railroad, and the locomotive power that shall be used with them.

May adopt rules as to vehicles.

XIV. That if any person or persons shall intrude upon said railroad, or any part thereof, by any manner or use thereof, or of the rights or privileges connected therewith, without the permission, or contrary to the will of the said company, he, she or they shall forfeit to the company all the vehicles, articles and animals that may be so intrusively introduced and used thereon, and the same may be seized by the company or its agents, or recovered by a suit at law; and, moreover, the person or persons so intruding shall and may be indicted as for a misdemeanor, and upon conviction be fined or imprisoned, at the discretion of the Court of Sessions, in the District in which he, she, or they shall be tried and convicted, and if any person shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct the said railroad, or any vehicle, edifice, right or privilege granted by this Act, and constructed and employed under the authority thereof, such person so offending shall be liable to be indicted as for a misdemeanor therefor, and on conviction thereof shall be imprisoned not more than six months, and be fined not more than five hundred nor less than twenty dollars, and shall be further liable to pay to the said company any damages occasioned by the said injury, and all expenses of repairing the same. The one-half of all fines that may be imposed by the said Court under this Act shall be paid to the informer and the other half to the said company. The provisions of this Section shall be extended as well to the owners of lands through which said road may be constructed as to other persons, and no owner or other person claiming under him or her shall avoid said provisions by plea of *liberum tenementum*, or by any other plea whatever.

Unauthorized intrusion.

XV. That the exclusive right to make, keep up and use the said

A. D. 1853.

To have sole
right for thirty-six years.

Exempt from
taxation.

railroad, and the conveyance and transportation thereupon shall vest and continue in the said company for and during thirty-six years, to be computed from the time of the corporate existence of the said company, and that during the said term of thirty-six years the stock of the said company, and the real estate that may be purchased by them and be connected with, or subservient to their works hereby authorized, shall be exempted from taxation, and after the lapse of the said term of thirty-six years the said Charleston and Savannah Railroad Company shall be and remain incorporate, and be vested with all the estate, powers and privileges as to their own works herein granted and secured, except that the Legislature may authorize the formation of other companies and the construction of other railroads for the trade or intercourse contemplated therein, but the Legislature may renew and extend the exclusive right of said Charleston and Savannah Railroad upon such terms as may be prescribed by law and accepted by said company: *Provided*, That the subscription of stock in the said company be filled up to the amount of three thousand shares within thirteen months from the passing of this Act, and the said railroad be commenced within two years, and be completed within ten years after the shares shall be subscribed.

Appointed
officers.

XVI. That after the President and Directors shall be elected, as aforesaid, it shall always be in the power of the President and Directors of the company, at a meeting of the Board, a majority being present, to nominate and appoint a Secretary, a Treasurer, and all other officers, agents and servants that they may deem necessary, or that may be prescribed in the by-laws of the said company, and to remove the same at pleasure, and also to require and take from all the officers, agents and servants such bond or bonds and security as the Board or the by-laws may prescribe for securing the fidelity, obedience and accountability of the said officers, agents and servants and their punctual surrender and delivery of all moneys and property on the termination of their offices, by resignation, removal or expiration of their term.

President and
Directors to
draw money.

XVII. That the President and Directors, by an order signed by the President, shall have power to draw from the Bank all such sums of money as may have been received by the different sets of Commissioners for the first payment by subscribers upon their subscriptions of stock as before provided, except the sums for such shares as may be cancelled and thrown out upon adjustment of the shares in case of over-subscriptions, which shall be drawn and repaid to the subscribers of such shares by the Commissioners, respectively, before whom such subscriptions were made, immediately upon notification to such Commissioners of such adjustment.

Payment of
instalments.

XVIII. That every subscriber or holder of stock in said company shall pay to the company the amount of the stock by him or her subscribed or held, in such instalments, not exceeding five dollars on each share at any one time, and at such periods, with intervals of not less than sixty days, as shall be prescribed and called for by the Directors; of which periods of payment and the sums required the Board of Directors shall cause public notice to be given for at least four weeks previous to such periods of payment, by advertising in one or more of the gazettes published in the City of Charleston,

and on failure of any subscriber or stockholder to pay up any instalments so called for by the Directors, he or she shall be liable to an action for the same, or the shares upon which such default shall be made, together with any past payment thereon, shall be forfeited to the company, and be appropriated as they shall see fit. And the said company shall and may prescribe in and by their by-laws, rules and regulations, the mode of issuing the evidence of shares of stock, and the manner, terms and conditions of assigning and transferring shares of the stock.

A. D. 1853.

XIX. That if the said company determine to increase their capital stock by additional assessments on the original shares, as hereinbefore provided, the sum so assessed shall be called for in such instalments, at such periods and such notices, and not otherwise, as are provided in the eighteenth Section of this Act, and failure to pay up such assessment shall induce a forfeiture to the company in like manner as provided in said Section, of the shares of stock on which default shall be made.

Increase of capital stock.

XX. That the President and Directors shall be styled the Direction of the company, and shall have power to call for all instalments, declare all dividends of profits, make all contracts and agreements in behalf of the company, and to do and perform all other lawful acts and deeds which by the by-laws of the corporation they may be authorized and required to do and perform; and the acts or contracts of the Direction, verified by the signatures of the President and Secretary, shall be binding on the company without seal. The Direction shall not exceed, in their contracts, the amount of the capital in the company; and in case they do so, the President and Directors who are present at the meeting when any such contract exceeding the capital shall be made, shall be jointly and severally liable for the excess, as well to the contractor as to the company: *Provided*, That any one may discharge himself from such liability by voting against such contract, causing such vote to be recorded in the minutes of the Direction, and giving notice thereof to the next general meeting of the stockholders. The Direction shall keep regular minutes of all their meetings, and of the acts there done; and they shall make a full report of the state of the company, and of its affairs, to a general meeting of the stockholders, at least once in every year, and oftener, if so directed by the by-laws; and they shall have power to call a general meeting of the stockholders when they may deem it expedient; and the company may provide in their by-laws for occasional meetings of the stockholders, and prescribe the mode of calling the same.

Powers and liabilities of the Direction.

XXI. That the following officers and persons, while in the actual employment of the said company, shall be exempt from the performance of ordinary militia duty, and from service on juries, viz: the Chief Engineer and Assistant Engineer; the Commissioner and Superintending Officer; the Secretary and Treasurer of the Directors; the Keeper of the Depository; the guards stationed on the road to protect it from injury, (not exceeding one white man to every five miles,) and such persons as may be actually employed in working the locomotive engines, and in travelling with cars for the purpose of attending to the transportation of passengers or goods on the said road, not exceeding one white engineer, and his white assistant, to

Persons exempt from militia and jury duty.

A. D. 1853.

each engine, and one white person to each passenger car, and to every five cars for the transportation of goods.

XXII. That the powers and privileges hereinbefore granted shall not be so construed as to prevent the Legislature from making further grants of ferries, bridges and turnpike roads within any distance of the same, whenever the convenience of the community may require such further grants.

Exempt from
41st Section of
Act of 1841.

XXIII. That the said Charleston and Savannah Railroad Company shall be, and is hereby, exempted from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one; but nothing herein contained shall be construed to exempt the said company from provisions of the said forty-first Section in regard to any future grant, renewal or modification of their charter.

Public Act.

XXIV. That this Act shall be deemed a public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4143. AN ACT TO CHARTER A COMPANY TO CONSTRUCT A RAILROAD FROM THE JUNCTION OF THE CAMDEN AND COLUMBIA BRANCHES OF THE SOUTH CAROLINA RAILROAD TO HAMBURG, SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad on the most practicable route from the junction of the Camden and Columbia branches of the South Carolina Railroad, or some point near said junction, to Hamburg, in South Carolina, which company shall be known by the name and style of the Wateree and Hamburg Railroad Company, and shall have the exclusive right to make, keep up and use such railroad for the term of time hereafter mentioned, and no other railroad shall be constructed between the points above designated.

Name.

II. That for the purpose of raising the capital stock of said company it shall be lawful to open books at Hamburg, Sumterville, Darlington and Marion Court Houses, under the direction of J. J. Blackwood, Josiah Sibley and B. Dunbar, for Hamburg; W. F. P. Haynesworth, Montgomery Moses and L. L. Fraser, Jr., for Sum-

Commission-
ers to receive
subscriptions.

terville; Thomas C. Evans, J. F. Ervin and E. W. Charles, for Darlington Court House; Wm. Evans, S. M. Stephenson and A. Q. McDuffie, for Marion Court House, as Commissioners, and such other persons as a majority, or any three of the foregoing Commissioners may designate, and at such other places, and under the direction of such other persons as the said Commissioners, or a majority, or any three of them, may designate, for the purpose of receiving subscriptions to an amount not exceeding fifteen hundred thousand dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the purpose of constructing and carrying into operation the railroad by this Act provided for; and on each share of the stock subscribed for the subscribers shall pay to the Commissioners, who shall take the same, the sum of five dollars in specie, or the notes of specie paying banks of this State.

A. D. 1853.

Amount of stock.

III. That when the sum of five hundred thousand dollars shall be subscribed for, in manner herein prescribed, the subscribers shall be, and they are hereby declared to be, incorporated into a company, by the name and style above mentioned, and may meet and organize the said company at such time and place as may be designated by the said Commissioners, or a majority of the same.

When organized.

IV. That for the purpose of organizing and forming the said company, all the powers conferred by the charter of the Spartanburg and Union Railroad Company, on the Commissioners therein designated, shall be vested in the Commissioners appointed by this Act, and all the rights, powers and privileges granted by the charter of the Spartanburg and Union Railroad Company to that company, shall be, and are hereby, granted to the Wateree and Hamburg Railroad Company, and subject to the same conditions, except as they may be altered by the provisions of this Act: *Provided*, That the subscription of stock in the said company be filled up to the amount of five hundred thousand dollars within eighteen months from the passage of this Act, and that the said railroad be commenced within two years, and completed within ten years, after the shares shall have been subscribed.

Powers conferred.

Proviso.

V. That the President and Directors, or a majority of them, shall have power to borrow money for the objects of this Act; to issue certificates or other evidences of such loans, and to make the same convertible into the stock of the company at the pleasure of the holder, and to pledge the property of the company for the payment of the same with interest: *Provided*, That no certificate of loan, convertible into stock, or creating any lien or mortgage on the property of the company, shall be issued by the President and Directors unless the expediency of making a loan, on such terms, and of issuing such certificates, shall have first been determined on at a general meeting of the stockholders, by two-thirds of the votes which could be legally given in favor of the same.

Power of President and Directors to make loans.

VI. That the charter hereby granted shall enure for the term of thirty-six years, and this Act shall be taken and deemed to be a public Act.

Limitation of charter.

VII. That any company or companies which may be hereafter chartered for the purpose shall have a right to construct a railroad or railroads to unite with the railroad by this charter authorized to be constructed, upon fair and equitable terms, to be fixed by arbi-

Other companies may connect.

A. D. 1853.

tration, in case the companies interested shall not agree in the matter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4144. AN ACT TO INCORPORATE THE COLUMBIA AND HAMBURG RAILROAD COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized, for the construction of a railroad on the most practicable route from some point in or near the town of Columbia, in Richland District, to the Savannah River, at or near the town of Hamburg, in Edgefield District, which said company shall have the exclusive right to make, keep up and use such railroad, and for the term of time hereinafter to be mentioned no other railroad shall be constructed between the points above designated.

II. That for the purpose of raising the capital stock of said company, it shall be lawful to open books at Hamburg, under the direction of Charles Hammond, E. J. Buckmaster and J. W. Stokes; at Columbia, under the direction of G. M. Thompson, C. R. Bryce and William Wallace; at Lexington Court House, under the direction of John Fox, Leroy Hendrix and A. H. Fort; at Edgefield Court House, under the direction of S. Christie, R. S. Mims and S. F. Goode; and at such other places, and under the direction of such other persons as the said Commissioners, or a majority of them, may designate, for the purpose of receiving subscriptions to an amount not exceeding one million of dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the purpose of constructing and carrying into operation the railroad by this Act provided for, and on each share of the stock subscribed for the subscribers shall pay to the Commissioners, who shall take the same, the sum of five dollars in specie, or the notes of specie paying banks of this State.

III. That it shall be the duty of the said Commissioners, or a majority of them, to open books of subscription at such time as they shall deem expedient, of which thirty days' previous notice shall be given in any newspaper which may be published in the towns of Columbia and Hamburg, and at Lexington and Edgefield Court House, which said books of subscription shall remain open

for the space of sixty days, and if at the expiration of that time the sum of five hundred thousand dollars shall have been subscribed, the said Commissioners shall appoint a time and place for the subscribers to the stock to meet for the purpose of organizing, of which due notice shall be given by public advertisement. It shall be the duty of the said Commissioners to deposit in some of the banks of this State the amount of money paid in upon subscriptions to stock. But if the sum of five hundred thousand dollars shall not be subscribed within the time first appointed, the said Commissioners herein named may, at their discretion, again open books to receive further subscriptions for said capital stock, and keep them open at such places, and for such time as they shall think proper and fit, and the like course shall be pursued by the said Commissioners on the second opening of said books as are prescribed as to the first opening of them. And if the sum of five hundred thousand dollars shall not be subscribed upon the first and second opening of said books, then the said books may be closed or kept open, as a majority of the said Commissioners shall think fit, and for such a period of time as they may prescribe: *Provided*, That if upon the first and second opening of said books, the sum of five hundred thousand dollars shall have been subscribed, the power to keep open said books shall be transferred to and vested in the subscribers to said stock, or to the President and Directors whom they shall appoint, and not in the Commissioners: *And provided, also*, That neither the said Commissioners nor the subscribers of stock, nor their President and Directors, shall have power to keep open said books and to receive subscriptions for a longer period than two years from the ratification of this Act.

A. D. 1852.

IV. That when the sum of five hundred thousand dollars shall be subscribed for in manner herein prescribed, the subscribers shall be, and they are hereby, declared to be incorporated into a company, by the name and style of the Columbia and Hamburg Railroad Company, and may meet and organize said company as herein provided.

When organized.

V. That for the purpose of organizing and forming this company all the powers conferred by the charter of the Charlotte and South Carolina Railroad Company on the Commissioners therein designated, shall be vested in the Commissioners appointed pursuant to the provisions of this Act, and all the powers, rights and privileges granted by the charter of the Charlotte and South Carolina Railroad Company to that company, shall be, and are hereby, granted to the Hamburg and Columbia Railroad Company, and subject to the same conditions therein contained, except as to the capital stock, the sum necessary to authorize organization, and the amount of shares; and except so far as may be otherwise necessary to conform to the special provisions of this Act.

Rights and privileges.

VI. That in the event of any vacancy in the Commissioners herein appointed at Hamburg, Lexington Court House, Edgefield Court House, or Columbia, by refusal to serve, death, or otherwise, the delegations, or a majority of them, in both branches of the Legislature, for the Districts of Edgefield, Lexington and Richland respectively, for the time being, are authorized to fill such vacancy.

Vacancies to be filled.

VII. The charter hereby granted shall endure for the period of

Limit of charter.

A. D. 1853. thirty-six years, and this Act shall be taken and deemed to be a public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4145. AN ACT TO AUTHORIZE THE SPARTANBURG AND UNION RAILROAD COMPANY TO EXTEND THEIR ROAD FROM SOME POINT AT OR NEAR SPARTANBURG COURT HOUSE TO SOME POINT ON THE NORTH CAROLINA LINE, IN THE DIRECTION OF ASHEVILLE OR RUTHERFORD.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Spartanburg and Union Railroad Company be, and they are hereby, authorized and empowered to extend their said road, from such point at or near the town of Spartanburg as they may select, towards and unto the North Carolina line, at such point as they may select, in the direction of Asheville or Rutherford.

II. That for the purpose of making such extension, the said Spartanburg and Union Railroad Company shall be, and they are hereby, invested with all the rights, powers, privileges and immunities, and subjected to all the duties, restrictions and responsibilities, that they now have and enjoy, or are subject to, under the provisions of an Act entitled "An Act to authorize the formation of the Spartanburg and Union Railroad Company," passed on the nineteenth day of December, A. D. one thousand eight hundred and forty-nine; and the provisions of the said Act shall attach, and be construed to cover and apply, in every respect, to the extension herein provided for.

III. That the capital stock of said company may be increased to any sum not exceeding two millions of dollars; and for this purpose the President and Directors shall have power to cause books of subscription to be opened, at such times and places, and by such Commissioners, as they may appoint for that purpose, the said President and Directors, and the said Commissioners, conforming, in every respect, not inconsistent herewith, to the provisions of the original charter of the Spartanburg and Union Railroad Company, herein applied to the contemplated extension of their said road.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE GREENVILLE AND COLUMBIA RAILROAD COMPANY.

A. D. 1853.

No. 4146.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Greenville and Columbia Railroad Company be amended in the following particulars, that is to say: that the capital stock of the said company, instead of being limited to one hundred thousand shares, of twenty dollars each, may be increased to one hundred and seventy-five thousand shares, of twenty dollars each.

Charter amended.

II. That the said Greenville and Columbia Railroad Company shall have power to construct and build a branch of their road from some point on their main trunk, west of Saluda River, to connect with the South Carolina Railroad at or east of Aiken, and for that purpose all the powers, privileges and exemptions, heretofore given and granted to the said company as to their other road, shall be, and they are hereby re-enacted, and given and granted to the said company.

May build branch to Aiken.

III. That the said company shall be, and is authorized and empowered, within twelve months after the ratification of this Act, in such manner and form, and at such times and places as the Direction of said company may order and direct, to open and close books of subscription for new stock in the capital of the said company, to be employed in the construction of the said branch railroad.

Books opened.

IV. That the said company shall be allowed to subscribe upon said books an amount equal to that subscribed by individuals and corporations, and that as soon as twenty-five thousand shares, of twenty dollars each, including the aforesaid subscription of the said company, shall have been subscribed in manner aforesaid, the same shall be entered upon the records of the company, and thereupon the new subscribers who shall come in under this Act shall be stockholders, and entitled to all the rights and privileges, and subject to all the liabilities of the original stockholders in the said Greenville and Columbia Railroad Company, except that they shall not be liable to assessment.

Company may subscribe.

V. That the said company shall have power to extend their railroad, or to build and construct a railroad from Greenville, the present head of their road, upon the most practicable route, to the line between this State and North Carolina, in the direction of Asheville, and for that purpose to open and close books for subscription to the capital stock of the said company at such times, and in such form and manner as the Direction of the said company may and shall order and direct: *Provided*, That the capital stock thus to be subscribed, together with that previously subscribed, shall not exceed the capital stock of the company, limited by this Act: *And provided, also*, That if the said company shall fail to construct and finish the said railroad from Greenville to the State line aforesaid, within ten years from the ratification of this Act, all the powers in this clause, conferred upon the said company, shall cease and be as if they had never been conferred. That the said company shall have power to extend their railroad, or to build and construct a railroad from Abbeville Court House, upon the most practicable route, to

May extend Road from Greenville.

Proviso.

May build road from Abbeville.

A. D. 1853.

Proviso.

the Savannah River, in the direction of Washington, Georgia; and for that purpose to open and close books for subscription to the capital stock of said company, at such times and in such form and manner as the direction of said company may and shall order and direct: *Provided*, That the capital stock thus to be subscribed, together with that previously subscribed, shall not exceed the capital stock of the company, limited by this Act: *And provided, also*, That if the company shall fail to construct and finish the said railroad from Abbeville Court House to the Savannah River in the direction aforesaid, within ten years from the ratification of this Act, all the powers in this clause conferred upon the said company shall cease and be as if they had never been conferred.

May unite
with other
Roads.

VI. That the said Greenville and Columbia Railroad Company may unite with any and all other railroads connected with it, if the companies interested shall agree upon the terms of amalgamation, and in case of union, the road so united with the Greenville and Columbia Railroad shall become part of the property of said company, and all the powers and privileges granted by the charters of the company or companies so united with the said Greenville and Columbia Railroad Company shall be assigned to and become privileges of the said Greenville and Columbia Railroad Company.

Regulating
proxies.

VII. That in all meetings of the Greenville and Columbia Railroad Company the stockholders shall and may be represented, if they choose, by proxy: *Provided*, That no one but a stockholder shall be a proxy, and the appointment of a proxy in all cases must be in writing, and signed by the stockholder appointing the proxy, which in all future meetings shall be sufficient, anything in the charter heretofore granted to the contrary thereof in anywise notwithstanding.

Exempt from
41st Section of
Act of 1841.

VIII. That the said Greenville and Columbia Railroad Company shall be, and is hereby, exempt from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4147. AN ACT TO AUTHORIZE THE LAURENS RAILROAD COMPANY TO EXTEND THEIR ROAD FROM LAURENS COURT HOUSE TO THE NORTH CAROLINA LINE, IN THE DIRECTION OF ASHEVILLE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the Laurens Railroad Company be, and they are hereby, authorized and empowered to extend their road from Laurens Court House to such point on the North Carolina line as they may select, in the direction of Asheville; and for the purpose of making such extension, the said company are hereby invested with all the powers and privileges, and subjected to all the duties and liabilities that they now have and enjoy, or are subject to under the provisions of an Act entitled "An Act to incorporate the Laurens Railroad Company," passed on the seventeenth day of December, Anno Domini one thousand eight hundred and forty-seven, and the provisions of the said Act are in every respect extended so as to cover and apply to the extension herein provided for.

A. D. 1853.
 Authorized
 to extend road.

II. That the said company shall have power to increase their capital stock to any sum not exceeding one million of dollars; and for this purpose the President and Directors of the said company shall have power to open books of subscription to such increased capital stock, at such times and places, and under the direction of such Commissioners as they may select, the said President and Directors, and Commissioners, conforming in all other respects to the provisions of the Act hereby applied to the contemplated extension.

Power to in-
 crease capital
 stock.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE SOUTH CAROLINA RAILROAD COMPANY TO CONSTRUCT A CERTAIN BRIDGE OVER THE WATEREE RIVER.

No. 4148.

Whereas repeated interruptions have occurred to the travel, as well as to the transportation of produce and merchandise to and from the east side of the Wateree River, and the public interest is concerned in the ready and safe passage over the Wateree River for travelers, produce and merchandise; and a secure passage over the said river by bridge cannot be effectually provided for unless means be taken to reduce the height of chimneys in steamboats that may ply on said river:

Preamble.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the South Carolina Railroad Company to construct a bridge over the Wateree River where it is intersected by the railroad, although the said bridge be not of sufficient elevation to permit steamboats to pass without lowering their smoke stacks: *Provided*, That the said bridge be at least thirty-five feet above the bed of the river: *And provided, also*, That the said company shall satisfy and pay all the expenses which any steamboat may incur by reason of any alterations which may be

Restrictions.

A. D. 1853.

rendered necessary by this Act, and by the necessity of lowering the smoke stack of such steamer by the use of hinges, or by any other manual contrivance.

Exempt from
Act of 1841.

II. And it is hereby expressly declared that the said South Carolina Railroad Company is exempted from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporations will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one. That nothing herein contained shall be construed as exempting the said company from the provisions of the said forty-first Section upon any future grant, renewal or modification of their charter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4149. AN ACT TO AUTHORIZE THE COMPTROLLER GENERAL TO TRANSFER SIXTEEN THOUSAND DOLLARS OF THE STOCK OWNED BY THE STATE IN THE SOUTH CAROLINA RAILROAD COMPANY, AND SOUTHWESTERN RAILROAD BANK, TO THE LAURENS RAILROAD COMPANY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General be, and is hereby, authorized to transfer immediately to the Laurens Railroad Company, the sum of sixteen thousand dollars of the stock of the South Carolina Railroad Company, and Southwestern Railroad Bank, owned by the State, it being the last instalment of the subscription by the State to the capital stock of the Laurens Railroad Company.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4150. AN ACT TO AMEND AN ACT TO INCORPORATE THE FLORIDA STEAM PACKET COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Florida Steam Packet Company shall have

Power to in-
crease capital
stock.

power, from time to time, to increase their capital stock to any amount not exceeding two hundred and fifty thousand dollars: *Provided, however,* That any such increase shall be first assented to by a majority in number of the stockholders, who shall be notified in two of the public papers of the city of Charleston, of a meeting to be held for that purpose: *And provided, also,* That no such increase shall be considered as made, until the President and Secretary of the company shall certify, in two of the public papers as aforesaid, that the same has been paid in cash.

II. The said company shall have power, whenever they may deem it expedient, to run any one or more of their boats to any port or ports in Georgia.

A. D. 1853.



May run
boats to ports
in Georgia.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE FIREMAN'S INSURANCE COMPANY OF CHARLESTON. No. 4151.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the powers vested in the Fireman's Insurance Company of Charleston, by an Act of Incorporation, passed on the sixteenth day of December, Anno Domini one thousand eight hundred and fifty-two, the said company is hereby authorized and empowered to make contracts, and underwrite policies of assurance and indemnity against fire, on buildings, goods, wares, merchandise, shipping and other property, situate, lying, being or deposited in this State, or elsewhere, as well as in the city of Charleston; and also to make contracts, and underwrite policies of assurance and indemnity upon marine risks, whether of vessels or of goods, merchandise or chattels, in whole or in part, foreign and domestic, whether upon the high seas, or in foreign ports, or in ports of the United States, or within any of the rivers, bays, creeks, canals or waters, of this or any other State or country; and also to lend or advance money upon bottomry or *respondentia*.

Additional
power to in-
sure property.

II. That the provisions of the charter requiring an abatement of five per cent. discount, on insurance effected by persons entitled to hold stock in the company, shall not apply to premiums received or insurances effected by virtue of the powers granted or conferred by this Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1853.
 No. 4152. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HAMBURG, AND FOR OTHER PURPOSES," PASSED ON THE NINETEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

Town Council may issue bonds.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Town Council of the Town of Hamburg, be, and is hereby, authorized and empowered to subscribe to the capital stock of the Savannah River Valley Railroad Company the sum of twenty thousand dollars, and for the payment of the same to issue bonds payable in ten and fifteen years, bearing interest at the rate of seven per centum per annum.

Power to levy tax.

II. That for the purpose of paying the interest on the said bonds, the said Town Council is hereby authorized and empowered to levy a sufficient annual tax upon the real and personal property situate and being within the corporate limits of the said town, in addition to the tax which by law it is now authorized to levy "to defray the expenses of the said corporation, and to maintain and protect the same; and the revenue to arise from the tax herein authorized to be levied to apply to the payment of the interest as it annually becomes due on the said bonds, and to no other purpose, and the same to keep separate and apart from all other funds in the Treasury of the said Town Council, and to be designated and known as the Railroad Tax.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4153. AN ACT TO EXTEND THE TIME FOR RECEIVING SUBSCRIPTIONS TO THE WESTERN BANK OF SOUTH CAROLINA, AT ANDERSON.

Commissioners to re-open books.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners authorized to open books of subscription to the Western Bank of South Carolina, at Anderson, be, and they hereby are, authorized to re-open the same from time to time, from the first Monday in March to the first Monday in September next, after having given six weeks' notice thereof.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE MEASURING OF TIMBER IN THE CITY OF CHARLESTON, AND TO CREATE THE OFFICE OF INSPECTOR AND SURVEYOR THEREOF.

A. D. 1853.

No. 4154.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, no timber shall be sold or purchased in the City of Charleston, by any mode of measurement except that denominated board or superficial measurement, (unless by special contract between the parties,) which shall alone be done by an officer hereinafter created.

Measurement of timber.

II. The City Council of Charleston shall elect, annually, one or more Inspectors and Surveyors of Timber, who, before entering upon the duties of his or their office, shall severally execute a bond to the said City Council, in the penalty of two thousand dollars, with good sureties, for the faithful performances of the duties of his or their office; and shall also take and subscribe the following oath, to wit: "I, A. B., do solemnly swear (or affirm, as the case may be,) that I will faithfully perform all the duties of Inspector and Surveyor of Timber, in the City of Charleston, as prescribed by the Act of the General Assembly providing for the same—so help me God." And said bond shall be recorded in the office of the Secretary of State, in Charleston, and shall be liable to suits at the instance of the State of South Carolina, or of individuals suffering loss by the violation of the provisions of this Act.

Inspect their bonds.

III. It shall be the duty of the said Surveyors and Inspectors to measure all timber, in the manner aforesaid, brought for sale to the City of Charleston, at the request of any person owning or buying the same, and shall give a certificate to such person, specifying the quality and kind and quantity of such timber, and the number of pieces in each raft; which certificate shall be evidence of the matters stated therein, as between the owner and purchaser thereof. But nothing herein contained shall prevent any person or persons from buying or selling timber in bulk without measurement; and the said Inspectors and Surveyors shall be entitled to demand and receive from the owners of timber twelve and a half cents per thousand for every thousand feet of timber measured.

Duties.

Fees.

IV. No person shall take up and sell any drifted lumber or timber, not the property of such person, without accounting for the same; and if any person shall take up and sell any drifted lumber or timber, without paying the proceeds to the owner on application, after deducting expenses, such person shall be liable to indictment as for a misdemeanor, and fined and imprisoned at the discretion of the Court.

Penalties for taking up and selling drifted lumber.

V. Any persons violating the provisions of this Act in the measuring of timber shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding two hundred dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1853. AN ACT TO CEDE TO THE UNITED STATES CERTAIN PARCELS
 OF LAND AS SITES FOR LIGHT HOUSES AND BEACONS.
 No. 4155.

Lands ceded
 to U. S.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the jurisdiction of this State be, and the same is hereby, ceded to the United States, over such portions or parcels of land, not exceeding ten acres in any one case, as the United States have purchased or may purchase for the purpose of erecting light houses or beacons, at the following sites, to wit: A site on Morris' Island for a beacon or light house; a site on Thomas' Island for a beacon or light house; sites for three beacons to be placed on or near North and South Island Points, in the vicinity of Georgetown, South Carolina; a site on Cape Island, on some point in the immediate vicinity of the present light house on Cape Romain, for a light house; a site on the East Battery, in the city of Charleston, for a beacon or harbor light: *Provided, nevertheless*, That nothing herein contained shall be construed to authorize the use of said parcels of land for any other purposes than above specified, or to exclude or prevent any process, civil or criminal, issuing from the courts of this State, from being served or executed within the limits of the said cessions.

Proviso.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4156. AN ACT TO PROHIBIT THE COLLECTION OF DEMANDS AGAINST STUDENTS OF THE COLLEGES AND INSTITUTIONS OF EDUCATION IN THIS STATE.

Contracts
 made by mi-
 nors declared
 void.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any contract or agreement whatsoever, express or implied, by any under-graduate of any of the colleges or institutions of education in this State, who shall be a minor, with any shop keeper, upon the sale of any wines, ardent spirits, goods, wares or merchandise, or any article of trade, or with any keeper of a hotel, tavern, house of entertainment, or livery stable, shall henceforth be held and deemed utterly null and void, inasmuch that no confirmation of the same by such student, after he may have attained the age of twenty-one years, shall render such contract or agreement of legal obligation.

Process not
 to issue.

II. That it shall not be lawful to issue any process, either from a Magistrate or from any court of record in this State, against any such student, upon any such contract or agreement, as aforesaid, at any time; nor shall any confession of judgment upon the same be lawful or binding, or be allowed to be entered up.

III. That in case any judgment shall be confessed, or obtained contrary to the prohibition hereinbefore expressed, the same shall be ordered to be vacated and annulled by any Judge of the Common Pleas, at Chambers or in open court, upon any information that may satisfy him that the said judgment is in contravention of the intent of this Act.

A. D. 1853.
 Judgments
 annulled.

IV. That the provisions of this Act shall not apply to any apothecary, so far as his dealings may concern the sale of his drugs and medicines.

Exemption.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CONFER ON ISAAC ISEMAN AND MARX ISEMAN CERTAIN RIGHTS AND PRIVILEGES IN RELATION TO A PIECE OF LAND BY THEM PURCHASED. No. 4157.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to a certain lot of land in the town of Darlington, conveyed by John F. Ervin to the said Isaac Iseman and Marx Iseman, by deed, dated thirtieth day of December, one thousand eight hundred and fifty-one, and which deed is recorded in the office of Register of Mesne Conveyance for Darlington, on the twenty-second day of January, one thousand eight hundred and fifty-two, be vested in the said Isaac Iseman and Marx Iseman, and their heirs forever; and that the title of the said Isaac Iseman and Marx Iseman in said lot, be taken and held valid in law, to the same extent as it would be if the said Isaac Iseman and Marx Iseman had been citizens of the United States at the time of the execution of the said deed.

Title vested
 in Isaac and
 Marx Iseman.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER THE SITTINGS OF THE COURTS OF LAW ON THE WESTERN CIRCUIT AND THE COURT OF EQUITY FOR CHARLESTON DISTRICT. No. 4158.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of

Times for
 holding Courts.

A. D. 1853.

the same, That hereafter the courts of law for the Western Circuit shall be held at the times following, instead of the times now provided by law, that is to say: for the District of Abbeville, on the first Monday in March and October in every year, to sit one week at each term, if so long be necessary; for the District of Anderson, on the second Monday in March and October in every year, to sit for one week at each term, if so long be necessary; for the District of Pickens, on the third Monday in March and October in every year, to sit for one week at each term, if so long be necessary; for the District of Greenville, on the fourth Monday in March and October in every year, to sit for one week for each term, if so long be necessary; for the District of Spartanburg, on the first Monday after the fourth Monday in March and October in every year, to sit for one week at each term, if so long be necessary; for the District of Laurens, on second Monday after the fourth Monday in March and October in every year, to sit for one week at each term, if so long be necessary.

Processes and
writs returnable.

II. That all writs and process which shall have been made returnable to the courts of any of the said Districts at the time heretofore provided for by law shall respectively be legal and valid to all intents and purposes for the courts next to be held in the said Districts, respectively, according to the provisions of this Act; and that all persons who have been summoned, or may hereafter be summoned, to attend the courts of any of the said Districts as jurors or witnesses, or who now are or shall hereafter be bound in recognizance to appear at any of the said courts at the time now provided by law shall be, and are hereby, required to attend and appear at the courts of the said Districts, respectively, next to be holden according to the provisions of this Act.

Court of Equity
for District
of Charleston,

III. That the Court of Equity for the District of Charleston shall hereafter be held on the first Monday in June in every year, instead of the second Monday in the same month, as now provided.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4159. AN ACT TO DECLARE AND AMEND THE LAW IN RELATION TO WORDS OF LIMITATION IN WILLS AND DEEDS.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever in any deed or other instrument in writing, not testamentary, hereafter executed, or in any will of a testator hereafter dying, an estate, either in real or personal property, shall be limited to take effect on the death of any person without heirs of the body, or issue, or issue of the body, or other equivalent words,

such words shall not be construed to mean an indefinite failure of issue, but a failure at the time of the death of such person.

A. D. 1853.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE POOR FOR PICKENS DISTRICT TO SELL CERTAIN LANDS, AND FOR OTHER PURPOSES. No. 4160.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James E. Hagood, Alexander Ramsay, Leonard Towers, William Hunter, John Bowen, and the Commissioners of the Poor for Pickens District, be, and they are hereby, authorized and empowered to sell, either at private or public sale, as they may deem most expedient and advantageous to the interests of the District, the present poor house lands, with their appurtenances; and with the proceeds arising from such sale, together with such other means as may be at their disposal, to purchase other lands, and establish a new poor house thereon at such other and more eligible location as they may select.

Commissioners to sell lands and erect a new Poor House.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE LAW IN RELATION TO WEIGHTS AND MEASURES. No. 4161.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and he is hereby, authorized to procure, or cause to be made, a sufficient number of the weights and measures established by law to furnish each Clerk of the Court of Common Pleas and General Sessions in the several Judicial Districts in this State which are not already provided with the same; the cost and expenses of making the same to be paid for as provided by an Act passed on the eighteenth day of December, Anno

Weights and measures to be furnished to each District.

A. D. 1853. *Domini* one thousand eight hundred and forty, entitled "An Act to provide weights and measures in each District."

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4162. AN ACT FOR THE ESTABLISHMENT OF A GENERAL SYSTEM OF REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS IN THE STATE OF SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall be the duty of the Tax Collectors of the different Districts and Parishes in this State, to require of the inhabitants of the said Districts and Parishes, at the time of making their general tax returns, a separate return, stating the number of whites, male and female, who have been born, married, or who have died during the year in their respective households, and the number of blacks who have been born, or who have died during the same period, and return the same to the Comptroller General.

II. That two Registrars shall be appointed by the Governor, one in Columbia and one in Charleston, whose duty it shall be to receive from the respective offices of the Comptroller General in Charleston and Columbia, the returns of the Tax Collectors, and make and publish a full report of the same annually.

III. That in order to ascertain as accurately as possible the number of births, marriages and deaths of non-tax-paying whites, it shall be the duty of the Tax Collector to ascertain from the Magistrates, physicians and ministers of the Gospel of the different Districts and Parishes, the number of births, marriages and deaths that have taken place among the persons within their jurisdiction, or belonging to their congregations, respectively; and it shall be the duty of the Registrars to draw out a proper form of registration for the Tax Collectors of the different Districts and Parishes, and for the use of the Magistrates and ministers of the Gospel of the said Districts and Parishes.

IV. That the said Registrars shall each receive annually the sum of two hundred dollars for their services.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY IN SUNDRY PERSONS THEREIN MENTIONED.

A. D. 1853.
No. 4163.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State, in and to the real and personal estates of the persons hereinafter mentioned, be, and the same is hereby, vested in the following persons, that is to say: The right, title and interest of the State in the estate of Michael Lynas, be, and the same is hereby, vested in Mary Lynas, and her heirs and assigns forever; the estate of Julia Mondaze, in William Butler, Robert Butler and Julia Gordon, and their heirs and assigns forever; the estate of John Burdishaw, of Abbeville District, in Fanny Burdishaw, her heirs and assigns forever; the estate of Levi Gibson, deceased, in Levi Gibson, the infant child of Elvira Kirby, his heirs and assigns forever; the estate of Peter Campbell in James Campbell, his heirs and assigns forever; the right, title and interest of the State in and to a certain lot, with the buildings thereon, situate in the town of Mount Pleasant, Christ Church Parish, described in a deed from Harriet E. Perry to Julius L. Bartlett, and recorded in the office of Register of Mesne Conveyance for Charleston District, in Book S, No. twelve, pages two hundred and sixty-three and two hundred and sixty-four, in Julius L. Bartlett, his heirs and assigns forever.

Mary Lynas.
William Butler.
Fanny Burdishaw.
Levi Gibson.
James Campbell.
J. L. Bartlett.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN AND TO A CERTAIN LOT OF LAND IN THE TOWN OF DARLINGTON, IN JOSEPH FRANK. No. 4164.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to a certain lot of land in the town of Darlington, conveyed by John F. Ervin to Joseph Frank and Charles Frank, by deed dated January third, one thousand eight hundred and fifty-two, and which, on the twenty-second day of January, one thousand eight hundred and fifty-two, is recorded in the office of Register of Mesne Conveyance for Darlington, and in which lot the said Charles Frank, by deed of April fifth, one thousand eight hundred and fifty-three, conveyed all his right, interest and title to the said Joseph Frank, be vested in the said Joseph Frank and his heirs forever; and the title of the said Joseph Frank to the said lot of land, be taken and held valid

Title vested
in Jos. Frank.

A. D. 1853. to the same extent as it would be in law if the said Joseph Frank had been a citizen of the United States at the time of the execution of the said deeds.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4165. AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE POOR FOR ST. BARTHOLOMEW'S PARISH TO SELL CERTAIN LANDS, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of the Poor for Saint Bartholomew's Parish be and they are hereby authorized and empowered to sell, at public sale, on such terms as they may deem most expedient and advantageous to the interest of the Parish, all lands, the titles of which is vested in the said Commissioners, and to execute the necessary deed or deeds for the same.

Com'rs may
sell lands.

II. That the net proceeds arising from such sale be invested by the said Commissioners in good bonds, bearing interest from date, payable annually, and the interest accruing thereon be applied by them towards the support of the poor of said Parish.

Proceeds to
be invested.

III. That the said Commissioners shall be required to report annually at the Fall term of the Court of Common Pleas, the amount of the said fund, how the same is invested, and how the interest has been applied.

Annual report.

IV. That upon failure of the said Commissioners to account as aforesaid, they shall be liable to all the penalties provided in similar cases, by an Act entitled "An Act to make further provision for the security of public moneys under the control of the different Boards of Commissioners in the State," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-four.

Penalties.

V. And whereas, the managers of the election for members of the Legislature for the Election District of St. Bartholomew's, have omitted to hold election for Commissioners of the Poor as by law directed—

Election for
Comm'rs.

Be it therefore enacted, That the said managers be empowered and required to hold an election for five Commissioners of the Poor, for St. Bartholomew's Parish, on the second Monday in January next.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO GIVE THE TOWN COUNCIL OF YORKVILLE THE POWER TO ISSUE BONDS OF THE CORPORATION, AND FOR OTHER PURPOSES. A. D. 1853.
No. 4166.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the powers conferred on the Intendant and Wardens of the village of York, by the Act of Incorporation of said village, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, the said Intendant and Wardens are hereby authorized, at their discretion, to issue interest-bearing bonds, which shall be binding on the said corporation: *Provided*, The amount of said bonds shall not exceed the sum of five thousand dollars. Power to issue bonds.

II. That the said Intendant and Wardens shall not be authorized to appropriate proceeds of bonds issued, except to purposes within the scope of the corporate powers heretofore conferred on the said corporation, or hereafter to be conferred by law. Restriction.

III. That said Intendant and Wardens are hereby authorized to appoint three Commissioners, with power to assess the value of real estate within the corporate limits of said village. Assessors appointed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT IN RELATION TO THE TRUSTEES OF THE SOUTH CAROLINA COLLEGE. No. 4167.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the Trustees now provided by law, the Chairman of the Committee on the College, Education and Religion, of the Senate, and the Chairman of the Committee on Education, of the House of Representatives, shall be, *ex-officio*, members of the Board of Trustees of the South Carolina College. Additional Trustees.

II. The Trustees of the said college are hereby authorized to receive, in behalf of the State, and to invest to the best advantage, in their discretion, all moneys, funds and securities, which may from time to time be offered, for the foundation of scholarships in said college. To invest funds.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1853.

No. 4168.

AN ACT TO DECLARE A CERTAIN DESCRIPTION OF STREAMS NAVIGABLE, AND FOR OTHER PURPOSES.

What streams may be navigable.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all streams which have been rendered, or can hereafter be rendered, capable of being navigated by rafts of lumber or timber, by the removal therefrom of accidental obstructions, be, and the same are hereby, declared navigable streams; and if any person shall obstruct the same, otherwise than is hereinafter provided, such person shall be deemed guilty of a nuisance, and such obstruction may be abated as other public nuisances now are by the laws of this State.

Owners may erect dams.

II. That it shall be lawful for owners of lands on such streams to erect mill dams across the same: *Provided*, They shall construct, and keep in repair, sufficient locks, or slopes, or canals, in or around such mill dams, to admit their free navigation for rafts of lumber and timber.

Persons may use streams on certain conditions.

III. That in all cases which mill owners shall have erected their mill dams on such streams antecedent to their use for the purposes aforesaid, at the points at which such mill dams have been or may be erected, it shall be lawful for all persons who may desire to use such streams for the purposes of navigation as aforesaid, upon payment to such mill owner of a compensation, to be determined by the parties themselves; but if the parties cannot agree, it shall be the duty of any neighboring Magistrate, at the instance of any person desiring to use such streams for purposes of rafting of rafts of lumber and timber, to call to his assistance four neighboring freeholders, two to be selected by the mill owner, and two by the applicant; and the said Magistrate and freeholders shall determine the amount of compensation to be paid by such person desiring to use such stream, subject to the right of appeal to the next Court of Common Pleas for the District in which the mill may be situated: *Provided*, That nothing herein contained shall be construed to extend to the navigation of Horse Creek, above a point known as Richardson's Shoals, on said Creek: *Provided, nevertheless*, Nothing herein contained shall be held or deemed to apply to any stream or water course within the corporate limits of the city of Charleston.

Horse Creek.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4169. AN ACT TO ALLOW WILLIAM LANGSTON TO HAWK AND PEDDLE IN UNION DISTRICT WITHOUT THE PAYMENT OF THE TAX NOW IMPOSED BY LAW.

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

same, That William Langston be, and he is hereby, authorized and permitted, as a hawker and peddler, to expose to sale any goods, wares and merchandise within the limits of the judicial District of Union, without the payment of the tax now required by law of persons of that description: *Provided*, That the said William Langston, in each and every year in which he shall be engaged in such business, shall enter into bond, with approved sureties, as now required by law, to be taken and approved by the Commissioners of Roads for Union District.

A. D. 1853.

Proviso.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH A RIFLE BATTALION IN THE PARISHES OF
 St. PHILLIP AND St. MICHAEL. No. 4170.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Washington Light Infantry, Moultrie Guards, German Riflemen and Meagher Guards, four rifle companies in the Parishes of St. Phillip and St. Michael, shall constitute a rifle battalion, (attached to the Sixteenth Regiment, Fourth Brigade Infantry,) that it shall have a major and the following staff, to wit: One adjutant and one quartermaster, each with the rank of first lieutenant. Whenever any of these companies shall be dissolved, the said battalion shall be dissolved, the commissions of said officers vacated, and the remaining companies incorporated in the remaining battalions of the Sixteenth Regiment.

Companies
 constituting
 battalion.

II. The said battalion shall be subject to all the laws and regulations governing the Sixteenth Regiment of infantry, and shall conform to all the regulations of the laws of this State in relation to the reception of volunteer companies, and all other militia laws of force in this State, or hereafter to be made of force, except as herein provided.

Subject to
 militia laws.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1853. AN ACT TO PROVIDE FUNDS FOR THE ERECTION OF THE NEW
 STATE CAPITOL.
 No. 4171.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of two hundred and fifty thousand dollars, if so much be necessary, be, and the same is hereby, appropriated, to carry on the contract for erecting the new Capitol.

II. That the Governor of the State of South Carolina be, and he is hereby, authorized and directed to issue bonds, in order to raise the money necessary, to be countersigned by the Comptroller General, for the sum of two hundred and fifty thousand dollars, which shall be payable in the year of our Lord one thousand eight hundred and seventy-one, bearing interest not exceeding six per centum, to be payable semi-annually at the Treasury of the State, and that the faith and funds of the State be, and the same are hereby, pledged to secure the payment of the said bonds: *Provided*, The said bonds shall not be sold under par.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4172. AN ACT TO EXEMPT THE SURVIVORS OF THE SOUTH CAROLINA VOLUNTEERS IN THE FLORIDA WAR FROM ORDINARY MILITIA DUTY, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter all the officers, non-commissioned officers and privates of the South Carolina volunteers in the Florida war, who were honorably discharged from the service, be, and they are hereby, exempted from all ordinary militia duty.

II. That Jerome B. Kerr, a soldier in the Mexican war, in the Mississippi Regiment, but now, and up to a short time before he volunteered for the war, a citizen of York District, South Carolina, be, and he is hereby, exempt from ordinary militia duty.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and in the seventy-eighth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR.

A. D. 1854.

No. 4173.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the public treasury of this State for the use and service thereof, that is to say: fifty cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification as heretofore established; one-half cent per acre on all lands lying within the Catawba Indian boundary, to be paid by each grantee or lessee of said Indian lands, until otherwise directed by law; sixty cents per head on all slaves; two dollars on each free negro, mulatto or mustizoe between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collectors, to be incapable, from maims or otherwise, of procuring a livelihood; twenty cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; sixty cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of the law, the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, school-masters, school-mistresses and mechanics, and on the amount of commissions received by Vendue Masters and Commission Merchants; thirty cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and fifty-four, of all banks which for their present charters have not paid a bonus to the State; twenty cents per hundred dollars on the capital stock of all incorporated gas-light companies; one per cent. on all premiums taken in this State by incorporated insurance companies, and by the agencies of insurance companies and underwriters without the limits of this State; ten cents upon every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all the articles of trade, for sale, barter or exchange (the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall have made from the first day of January of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and fifty-five, either on his, her or their capital or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; twenty cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any kind whatsoever, to be paid into the hands of the Clerks of the Court respectively, who shall be bound to pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.

Tax on lands.

Slaves and
free negroes.Lots and
buildings.

Factorage.

Commissions.

Merchandise.

Public exhibi-
tions.

A. D. 1854.

Payment.

II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located.

Machinery
exempt.

III. In making assessments for taxes on the value of taxable property used in manufacturing, or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

Duty of Tax-
Collectors and
Comptroller.

IV. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are hereby, required and enjoined, to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the Comptroller General shall return the same in his report.

V. That free negroes, mulattoes, mustizoes, be, and they are hereby, required to make their returns, and pay their taxes, during the month of March.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4174. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State government, that is to say :

Executive
Department.

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars ; for the Private Secretary of the Governor, five hundred dollars ; for the Messenger of the Governor, two hundred and fifty dollars ; for contingent fund of the Executive Department, twenty thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature ; for the rent of the Governor's house, in Columbia, three hundred dollars.

Legislative
Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature and the Attorney General and Solicitors, during the present session, twenty-one thousand dollars, if so much be necessary ; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk

A. D. 1854.

of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, four hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committee of both Houses, nine thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division before the twentieth day of April next; and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within sixty days after the adjournment of the Legislature; for Wm. F. Arthur, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, expenses of the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, six hundred dollars.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of the Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said Court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for firewood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same Court in Charleston, two hundred and

Judiciary
Department.

A. D. 1854.

fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel; for firewood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Courts of Appeals, shall be paid by the Treasurer only upon warrants to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

Treasury
Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

South Caro-
lina College.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for the expenses of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

Ordinary
civil expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-five thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, twenty-four thousand dollars, if so much be necessary; for the Commissioner to be appointed by the Governor to superintend the Public Works, one hundred and fifty dollars; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, twelve thousand

dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the education of the Deaf and Dumb, and of the Blind, five thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding Taxes, as directed by the reports of the Committee of Ways and Means, and of Finance and Banks, agreed to by the Legislature, two hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other Committees, two thousand five hundred dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

A. D. 1851.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard at Charleston, five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty thousand dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors of the said Academies, so that their support shall not exceed the said sum, to be drawn and accounted for to the Legislature by the said Board of Visitors: *Provided*, That each election District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or, in that proportion, as far as the appropriation for the schools may allow; for the Military Account, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies, fifteen hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the ensuing year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions for civil offices, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for repairing arms and Arsenal purposes in Charleston and Columbia, two thousand dollars.

Military expenditures.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor at Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their

Ordinary local expenses.

A. D. 1854.

direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, five hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the support of the transient poor of Beaufort, two hundred dollars, to be expended by the Town Council of the said town, to be accounted for by them as heretofore; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry on Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Catawba Indians.

IX. For the support of the Catawba Indians, twelve hundred dollars, if so much be necessary, to be paid to the order of the Indian Agent, and to be expended under the direction of the Governor.

Public buildings.

X. FOR PUBLIC BUILDINGS.—To complete the Court House for Chester District, two thousand one hundred dollars; to complete the Court House for the District of Williamsburg, one thousand four hundred and fifty dollars; to complete the construction of the jail of Chesterfield, one hundred and forty-four dollars and twenty-eight cents, the above amounts to be drawn and expended by the Boards of Commissioners of the respective Districts and accounted for by them at the Treasury; for Charleston jail, ten thousand dollars and no more, to be drawn and expended under the direction of the Commissioners of Public Buildings of the said District.

Extraordinary expenses.

XI. FOR EXTRAORDINARY EXPENDITURES.—To enable the Trustees of the College of Charleston to improve and extend their buildings, four thousand dollars; for the amount of a balance due the Commissioners of the Poor for Georgetown District on their account of the expenditure of the transient poor fund, two hundred and eighty-two dollars and nine cents, to be drawn by said Commissioners; and the dividends that may be received on all such railway shares as the State may own at the time of declaring such dividends are hereby appropriated to the purpose of aiding in the opening and clearing out of the Sullivan's Island Channel of the port of Charleston, and all sums arising from said dividends shall be held in the Treasury, liable to the draft of the Commission on the Survey of Charleston Harbor.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4175. AN ACT TO AUTHORIZE THE UNITED STATES TO PURCHASE CERTAIN PARCELS OF LAND IN THIS STATE FOR THE ERECTION OF LIGHT HOUSES AND BEACON LIGHTS.

Fee simple not exceeding fifty years.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the United States, or such person or persons as may be by them authorized, shall have the right to select and purchase the fee simple of such portions or parcels of land, not exceeding fifty acres in any one case, as may be necessary for erecting light houses and beacons at the following points, viz: A site for a beacon to range with the Charleston Light House; a site for a day beacon for St. Helena Sound; two sites for two beacons to serve as a range for Callabogue Sound; a site for a light house and beacon light on the main land at North Edisto; a site for a light house and beacon light on north point of Hunting Island; a site for a light house and beacon light on or near Hilton Head; a site, restricted to fifty feet square, on South Battery, in the city of Charleston, for a beacon or harbor light.

A. D. 1854.

Sites for beacons.

II. That if the person or persons whose land may be chosen for the above mentioned purposes should not be disposed to sell the same, or if the person or persons appointed to make the purchase should not be able to agree upon terms with such owner or owners of said land, the same shall be valued upon oath by a majority of three Commissioners, to be appointed for that purpose by his Excellency the Governor of this State, and the said land shall be vested in the United States upon their paying the amount of such valuation to the owner or owners of such lands respectively.

Commissioners to value land.

III. That the said lands, when purchased by or vested in the United States, and every officer and person residing or employed therein, whether in the service of the United States or not, shall be subject and liable to the government of this State, and the jurisdiction, laws and authority thereof, in the same manner as if this Act had never been passed, and that the United States shall exercise no more authority or power within the limits of the said land than they might have done previous to the passage of this Act, or than may be necessary for the building, erection, repairing or internal government of the said light houses and beacons, and the regulations and management of the said light houses and beacons that may be built or erected on the said lands, and of the officers and persons by them to be employed in and about the same: *Provided*, That the said lands shall be forever exempt from any taxes to be paid to this State.

The lands and officers to be under State jurisdiction.

Exempt from taxes.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INSPECTION OF FLOUR" IN CERTAIN PARTICULARS. No. 4176.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth Section of an Act entitled "An Act to Act amended.

A. D. 1854.

provide for the inspection of Flour," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be, and the same is hereby, so amended that the fees of the said Inspector shall hereafter be two and a half cents for each and every barrel, half barrel or bag by him inspected, instead of the sum now allowed by law.

Inspector, how appointed.

II. That the eighth Section of the said Act be, and the same is hereby, so amended that the said Inspector shall hereafter be appointed by the City Council of Charleston instead of by the Governor of the State, as is now provided.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4177. AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER BATTALION, TO BE ATTACHED TO THE TWENTY-THIRD REGIMENT SOUTH CAROLINA MILITIA, AND FOR OTHER PURPOSES.

Companies not to exceed six.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Richland Volunteer Rifle Company, Governor's Guards, Carolina Blues and Richland Guards, and such other Volunteer Companies as may be hereafter organized in the town of Columbia, and received by the Adjutant and Inspector General, may constitute a Volunteer Battalion of Infantry attached to the twenty-third Regiment of South Carolina Militia: *Provided*, The number of Companies so constituted a Volunteer Battalion shall not exceed six.

Officers.

II. That said Battalion shall have a Major and the following staff, to wit: One Adjutant, one Quartermaster, one Judge Advocate, one Paymaster, each with the rank of First Lieutenant, and one Surgeon, with the rank of Captain; one Sergeant-Major and one Quartermaster-Sergeant. And whenever the said Battalion shall be reduced below three Companies, it shall be dissolved, the commissions of said officers vacated and the remaining companies shall continue attached as companies to the twenty-third Regiment.

Court martial.

III. That all defaulters for non-attendance at regimental musters, and the Major and staff of said Battalion, shall, in all cases, be tried by a Court Martial, ordered by the Colonel or officer commanding the twenty-third Regiment; and all other defaulters shall be tried by a Court Martial, to be ordered by the Major or commanding officer of said Battalion, and all fines imposed by the Court so ordered shall be payable to the Paymaster and enure to the benefit of said Battalion.

IV. The said Battalion shall be subject to all the laws and regu-

lations governing the twenty-third Regiment of Infantry, and shall conform to all the laws of this State in relation to the reception of Volunteer Companies, and all other militia laws of force in this State or hereafter to be made of force, except as herein provided.

V. That the Adjutant and Inspector General be, and he is hereby, authorized and empowered to inspect and receive either into the Volunteer Battalion above provided for, or into the twenty-third Regiment of Infantry, two new Volunteer Companies, one to be called "the Columbia Artillery," and the other "the Emmet Guards," upon their conforming to the requisitions of the law in relation to the inspection of new Volunteer Companies.

A. D. 1854.

Columbia Ar-
tillery and Emmet
Guards.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXTEND TO JUDGES AT CHAMBERS THE POWER OF APPOINTING COMMISSIONERS TO VALUE LAND REQUIRED FOR RAILROADS. No. 4178.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all the powers now vested in the courts of this State for the appointments of Commissioners and all other proceedings, in the matter of the valuation of lands required for railroads shall be exercised by Judges at Chambers in as full and ample a manner as the same may now be done during the sitting of Courts: *Provided*, That nothing herein contained shall be construed to deprive any parties to the proceedings of the rights of appeal as they now exist by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CHARLESTON WATER COMPANY, IN THE CITY OF CHARLESTON, STATE OF SOUTH CAROLINA. No. 4179.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joshua Lazarus, C. D. Carr, John Lucas, L. T. Potter,

Corporators.

A. D. 1854.

Lingard A. Frampton, W. C. Gatewood and John Heart, and their associates and successors, shall be, and they are hereby, incorporated and declared a body politic and corporate; shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members conformably to such by-laws, and to sue and be sued, implead and be impleaded, in any Court of law or equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities which are incident to other bodies incorporate.

Power of the
company.

II. That said company shall have full power and authority to take, hold and convey water from any point from any river, creek, springs or other sources within sixty-five miles of the city of Charleston, into and through the said city, with the consent of the city of Charleston first had and obtained, and shall have full power and authority to make canals, build dams, erect locks, lay conduits or tunnels for the conveyance of the said water through, under and along any highway in the country adjacent, or any street or streets, lane or lanes, alley or alleys of the city of Charleston, for the purpose of conveying and distributing said water; and the canals, locks, dams, conduits or tunnels from time to time to renew and repair, and for such purpose to dig, break up, and open at their own expense all and any part of highways, streets, lanes and alleys, and of the middle or side pavements thereof, leaving at all times a sufficient passage for carriages, horses and foot passengers, and restoring forthwith to their former condition all such highways, streets and alleys, and the pavements thereof, as may at any time be taken up, opened or dug; and the said company shall have full power and authority to erect such buildings, and to hold such real and personal estate as may be requisite and proper to carry on the business aforesaid.

Subscription.

And the said corporation shall have full power to raise by subscription, in shares of twenty-five dollars each, a capital of five hundred thousand dollars, with the privilege of increasing the same to three millions of dollars, if so much be deemed proper, and the said corporation shall not go into operation, nor the rights, privileges and franchises hereby granted attach, until the sum of fifty thousand dollars shall have been actually paid in gold or silver coin, or the current notes of incorporated banks of this State, and an oath or affirmation thereof shall have been made by the President, Treasurer and a majority of the Board of Directors of the said company, and recorded in the office of the Secretary of State, at Charleston, and shall have been published in at least two respectable newspapers in the said city. And the said corporation may make, purchase or otherwise take and hold any land necessary for the establishment of their works, and also all private rights of way, water courses, or other easement which may be on or along the route through which such canals, dams, locks, tunnels or conduits shall pass, and may conduct such canals, dams, locks, tunnels or conduits over or through any public road, river, creek, water course or waters that may be on the route, but in such manner as shall not obstruct the passage of the public road or navigation of the stream. Lands or private rights of way for canals, dams, locks, tunnels or conduits which cannot be purchased from the owner for want of

agreement, or from any other cause, may be taken by the company at a valuation to be made by Commissioners appointed by the Court of Common Pleas of the District in which any part of the land or right of way may be situated. The Commissioners, before acting, shall be sworn before some Magistrate, faithfully and impartially to discharge the duty assigned them. Their proceedings, accompanied with a full plat and description of the land, shall be returned under their hands and seals, to the Court from which the commission issued, there to remain of record. Either party may appeal from this valuation at the next session of the Court granting the Commission, giving fifteen days' notice to the opposite party of such appeal; and the Court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and the verdict shall be final and conclusive, unless a new trial be granted, and the land or right of way so valued by Commissioners or jury shall vest in the company in fee simple, so soon as the valuation be paid, or tendered and refused. The pendency of an appeal by either party from the valuation of the Commissioners shall not prevent the company from proceeding in the construction of their works in and upon the land or right of way; but if the appeal be made by the company, it can proceed only upon giving to the opposite party a bond with good security, to be approved by the Clerk of the Court where the valuation is returned in a penalty of double the said valuation, conditioned on the payment of the valuation, and interest in case the valuation be sustained, and for the payment of the valuation made by the jury and sustained by the Court in case it be reversed. In all such assessments made by the Commissioners or jury after the construction of the works or appurtenances upon the land, reference shall be had to the true value of the land at the time the construction was begun. The land covered by said works and the space of twenty-five feet on each side, shall be deemed in the actual possession of the company. A majority of the Commissioners shall be competent to perform the duties required of them in this Section. Nothing in this Act contained shall authorize the company to take or invade, without the consent of the owner, any dwelling house, yard, garden, graveyard or ornamental trees. In the absence of any written contract between the company and the owner of the land through which the works have been constructed, it will be presumed that the land required and occupied by the company, with twenty-five feet on each side, has been granted to the company by the owner, and the company shall have good right and title to it, and shall hold it, unless the owner or some one claiming under him shall apply for an assessment of the value of the land as before directed, within five years after the construction of the work on or through said land; if within that time no application be made for assessment by the owner or some one claiming under him, he or they shall be barred forever from recovering the same, or having any compensation; but this limitation shall not affect the rights of *feme covert*s, infants or lunatics, until two years after the removal of their respective disabilities: *Provided, nevertheless*, That should the Commissioners aforesaid, or jury upon appeal as aforesaid, give any compensation in damages to the owner or owners of any land, or private rights of way taken and occupied

A. D. 1854.

Commissioners.

Return under seal.

Appeal.

Proviso.

A. D. 1854.

as aforesaid by the Charleston Water Company, that said company shall be held liable for the costs of the proceedings; and should such owner or owners as aforesaid fail to recover any compensation as aforesaid from said company, that such owner or owners shall in like manner be liable for the costs of the proceedings, and either party may enforce by execution the collection of the costs aforesaid.

To establish reservoirs and fountains.

III. That the said company shall have full power and authority to establish reservoirs and fountains in such parts of the streets and squares of the said city, with the consent of the City Council of Charleston first had and obtained, or adjacent thereunto, or elsewhere to be connected with the works, as they may think proper, and to all persons whomsoever, and to all bodies politic and corporate, the privilege of using the said water, to be introduced in such manner, and on such terms and conditions, and in quantities respectively as they shall think fit. And the said water so to be introduced, together with all reservoirs, canals, dams, locks, conduits, tunnels, engines, buildings and machines, to be by them made and used for the purpose of introducing, raising and distributing the said water, to hold to them, their successors and grantees forever, as their sole and exclusive property.

Shares, personal property.

IV. That the said shares in the capital stock aforesaid of the said corporation shall be deemed personal estate, and be transferable only on the books of said corporation. And no part of the said capital shall at any time, or under any pretence whatever, be loaned to or divided amongst the stockholders, until the liabilities of the said corporation have been lawfully paid, nor shall any dividend or dividends be at any time declared, except of the clear earnings and profits of the said company.

Neglect to pay instalments.

V. That if the proprietor of any share shall neglect or refuse to pay instalments assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the Company may, by order of the Board of Directors, sell by public auction, a sufficient number of any shares held by such defaulter to pay all instalments then due by him, together with the necessary and incidental charges. And the Treasurer shall give notice of the time and place of such sale, and of the sum due on each share, by advertising the same for two successive weeks previous to such sale in some newspaper in the city of Charleston, and a bill of sale of the shares so sold shall be made by the Treasurer of the company to the purchaser thereof, who shall thereupon be entitled to have the same transferred to him on the books of the company, and shall be liable for all future instalments on the stock he may purchase.

Subscriptions.

VI. The said Joshua Lazarus, Charles D. Carr, John Lucas, L. T. Potter, Lingard A. Frampton, W. C. Gatewood and John Heart may open books and take subscriptions for the capital stock of the said company, in such manner as they may deem expedient, and whenever such subscription shall amount to the sum of one hundred thousand dollars, the stockholders having had two weeks' notice in writing or in one of the public newspapers of the city of Charleston, may meet and proceed to elect a President, Treasurer and Board of Directors, or such other officers as they may deem necessary for organizing the said company, and conducting the affairs

Officers and Directors.

thereof. And the said Board of Directors shall continue in office until their successors shall have been duly elected, and, until otherwise provided by the by-laws of the said corporation, shall have power to dispose of the residue of the capital stock of the said company not subscribed for in such manner, and at such time as they may deem fit. And at the said election of officers, and at all meetings of the said company, every stockholder shall be entitled to one vote for every share held by him. That the Directors shall submit to the stockholders annually, a written statement, under oath or affirmation of the Treasurer of the corporation, setting forth the amount of the capital stock paid in, and of the general assets of the said company.

A. D. 1851.

Votes.

VII. That if any person or persons should wantonly, negligently or maliciously divert the water, or any part thereof, of any ponds, streams, springs or water sources which shall be taken by said company in pursuance of the provisions of this Act, or shall corrupt the same, or render it impure or offensive by mingling other substances with it, or by washing or swimming in it, or by erecting any privy or other nuisance near it, or by any other means whatsoever, or shall injure or destroy any dam, lock, aqueduct, pipe, conduit, hydrant, machinery or other property held, owned, or used by the said company, by the authority and for the purposes of this Act, any such person or persons shall forfeit and pay to the said company treble the amount of damages sustained by any such injury, to be recovered by action on the case. And any such person or persons shall moreover be deemed guilty of misdemeanor, and may on indictment and conviction thereof, be punished by fine not exceeding five hundred dollars, and imprisonment not exceeding one year at the discretion of the Court.

Infringement of privileges.

Penalty.

VIII. That any such action or complaint by the said company against any person or persons whomsoever, on account of or grounded on a trespass or injury done to the said work, or any tunnels, locks, dams, conduits, canals, water courses, pipes, hydrants, machinery or other property of the said company, or appertaining to the same, shall, in every instance, be held and deemed as transitory in its nature, and may be brought, sustained and tried in any Court in this State having jurisdiction in such like case; and nothing in this Act providing for the special remedies of the said company shall be construed to deprive them of the right, or impair the same, of bringing any suit, in law or equity, to which they would otherwise be entitled.

Trespass.

IX. If the City Council of Charleston shall at any time, within twenty years after the water works shall go into operation, desire to purchase the same, they shall have the right to do so upon the following terms: That is, upon providing for the payment to the company, within such time as may be agreed on between the parties, of the amount actually paid in and expended, and such additional sum as will, when added to the actual receipts of the said company, over and above the actual annual expenditures, make up the sum of ten per cent. annually upon the capital stock actually paid in, and further a premium, graduated at the following rates, namely: If within five years a premium of twenty-five per cent. upon the amount of capital stock, as aforesaid, paid in and

City Council of Charleston may purchase.

A. D. 1854.

expended by said company; if after five years, and within six years, nineteen per cent.; if after six years and within seven, eighteen per cent.; thus reducing the amount of premium to be paid by the said City Council of Charleston one per cent. for every year beyond five years that the said water works shall remain in the possession of the said water works company, so that, if not taken within the twentieth year, the premium to be paid shall be five per cent.

This Act for
twenty-one
years.

X. That this Act shall continue in force for twenty-one years, and no part of the capital stock, nor any of the funds of the corporation, shall at any time during the continuance of this charter be used directly or indirectly, in banking operations, or for any other purpose whatever inconsistent with this Act: That this charter, and everything contained therein, shall cease and determine, unless the company shall have been duly organized, and shall have actually commenced the work within five years from this date.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4180. AN ACT TO CLASSIFY THE LANDS IN THE CATAWBA INDIAN BOUNDARY, SITUATE IN YORK AND LANCASTER DISTRICTS, AND TO TAX THEM AS OTHER LANDS IN SAID DISTRICTS, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the lands situated in York and Lancaster Districts, known as the Catawba Indian Lands, shall be, and are hereby, declared subject to taxation according to the classification of lands in this State, as fixed by an Act entitled "An Act to fix the value of lands in this State for taxation, and for other purposes therein mentioned," passed the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen; and it shall be the duty of the Tax Collector for the Districts of York and Lancaster, respectively, to collect the taxes on the said lands, at the same times and places, and in the same manner as the taxes on all other lands in said Districts are now collected.

II. That the proprietors of the said Catawba Indian lands be, and they are hereby, released from the payment of any further sum or sums of money on account of advances made by the State to the said Catawba Indians, in execution of an agreement made by the State with the said Catawba Indians, and ratified by an Act entitled "An Act to carry into effect the late agreement between the Catawba Indians and the Commissioners on the part of the State, and for other purposes."

III. That so much of all Acts and clauses of Acts as are repugnant to the provisions of this Act be, and the same are hereby, repealed.

A. D. 1854.

Former Acts repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RE-CHARTER THE BANK OF GEORGETOWN, SOUTH CAROLINA. No. 4181.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Bank of Georgetown, South Carolina, be, and the same hereby is, re-chartered for twenty-one years from and after the expiration of its present charter.

Re-chartered for twenty-one years.

II. That the said bank shall have, hold and enjoy, for said term of twenty-one years, all the powers, privileges and immunities secured to it by its present charter, and be subjected to all of the limitations and restrictions thereby imposed as far as the same may not be inconsistent with the provisions of this Act.

III. That the said bank shall be liable to all of the provisions of the Act ratified on the eighteenth day of December, one thousand eight hundred and forty, entitled "An Act to provide against the suspension of specie payments by the banks of this State," and also to such regulations as the General Assembly shall at any time impose.

Liable to Act of 18th December, 1840.

IV. That the capital stock and other property of said bank shall be liable to taxation in the same manner as the capital stock and property of individuals and other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of said bank without authority first had and obtained from the General Assembly.

Tax on capital.

V. That it shall not be lawful for said bank, except in settlements with other banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check, or other paper of any other bank; and for each and every violation of this provision, the said bank shall be subject to a penalty of one hundred dollars, to be recovered by action of debt at the suit of the State, one-half to go to the use of the State, the other moiety to the informer.

To pay out its own bills.

VI. That in case of the failure of said bank, each shareholder, copartnership and body politic having any share in said bank at the time of failure, or who have been interested therein at any time within twelve months previous to such failure, shall be liable and held bound individually for a sum not exceeding twice the amount of his or their share or shares.

Failure.

A. D. 1854.

Officers not
exempt from
militia duty.

VII. That no officer of said bank shall be exempted as such from militia duty, or from serving on juries.

VIII. That the said bank shall, from and after the first day of February next, be subject to the provisions of the Act entitled "An Act to provide against the suspension of specie payments by the banks of this State," ratified on the eighteenth day of December, one thousand eight hundred and forty; and if the said bank shall not, from and after the first day of February next, conform to the provisions of the said Act, then this Act shall be null and void, and of no more force and effect than if the same had not been passed.

Proviso.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4182. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RECHARTER THE MERCHANTS' BANK OF SOUTH CAROLINA, AT CHERAW."

Re-chartered
for twenty-one
years.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Merchants' Bank of South Carolina, at Cheraw, shall, for twenty-one years from and after the first of January, eighteen hundred and fifty-five, enjoy all of the rights, privileges and immunities, and be subject to all of the limitations and restrictions prescribed by and in an Act entitled "An Act to recharter the Merchants' Bank of South Carolina, at Cheraw," ratified the twentieth day of December, in the year of our Lord, one thousand eight hundred and fifty-three.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4183. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE FORMATION OF THE SAVANNAH RIVER VALLEY RAILROAD COMPANY, AND TO GRANT AID IN THE CONSTRUCTION OF THEIR ROAD."

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

same, That an Act entitled "An Act to authorize the formation of the Savannah River Valley Railroad Company," passed the sixteenth day of December, one thousand eight hundred and fifty-two, be, and the same is hereby, amended in the following particulars, to wit:

A. D. 1854.

I. That the name and style of the said company shall be changed to the Savannah Valley Railroad Company.

Title.

II. That the said company shall have power to construct a branch of their road from any point on the main trunk, in Abbeville District, to Abbeville Court House, and also shall have power to construct a branch of their road from a point on the main trunk, where the branch to Abbeville Court House commences, to some point on the Savannah River at or near Vienna, and for that purpose to accept and receive stock already subscribed, or hereafter to be subscribed, and to be paid on such terms as have already or may hereafter be prescribed.

Branches.

III. That for the purpose of aiding in constructing the said Savannah Valley Railroad from Hamburg to Anderson or its terminus, and the respective branches to Abbeville Court House, and to or near Vienna, whenever satisfactory proof shall be produced to the Comptroller General that five hundred thousand dollars have been subscribed to the capital stock of the said Company by responsible persons or corporations, and that the Company has been duly organized, it shall be his duty, and he is hereby authorized and required, to subscribe on the part of the State the sum of two hundred and fifty thousand dollars in shares belonging to the State in the Charlotte and South Carolina Railroad Company and Greenville and Columbia Railroad Company, at their par value.

Amount to be subscribed.

IV. Whenever satisfactory proof shall be produced to the Comptroller General that the sum of one hundred thousand dollars shall have been paid in by the stockholders and expended in the construction of said road, the Comptroller General shall transfer and deliver to said company so much of the stock of the State in the Greenville and Columbia Railroad Company as shall amount, at its par value, to one hundred thousand dollars; and when similar proof shall be produced to the Comptroller General that one hundred thousand dollars more shall have been paid in and expended as aforesaid, the Comptroller General shall transfer and deliver ninety-four thousand dollars more of said stock to said company; and in the same manner the remaining subscription of fifty-six thousand dollars in the stock of the Charlotte and South Carolina Railroad Company shall be paid to the said "Savannah Valley Railroad Company" when the said road shall be finished and in operation; and the Comptroller General, on making such transfers, shall take, in the name of the State, certificates from the said company for an amount of shares corresponding to the aforesaid subscription.

Comptroller to transfer stock.

V. The State shall in no way whatever be liable for the debts and contracts of the said railroad company.

No liability by the State.

VI. The State shall have the same rights in the company and its management as is reserved to private stockholders, and the General Assembly shall at any time have a right to examine into the condition of the said company, and the company shall annually submit to the Legislature a report exhibiting its conditions and prospects.

Annual report.

A. D. 1854.
 State lien on
 the property.

VII. In case any of the payments made by the State shall be in advance of the calls upon the private stockholders, the State shall have a lien upon the whole property of the company to secure the same to the State.

Condition.

VIII. An irrevocable condition is hereby imposed on said company that it shall unite its road with the South Carolina Railroad at the town of Hamburg or elsewhere, with a track of the same gauge, and on such terms as may be agreed on by the said companies.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4184. AN ACT TO INCORPORATE THE COLUMBIA AND CHARLOTTE MAGNETIC TELEGRAPH COMPANY.

Members of
 the company.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Samuel F. B. Morse, Samuel A. Kennedy, and Josiah H. Edwards, and such other persons as now are, or hereafter may be associated with them, including the subscribers in this State, who have acquired from the said Samuel F. B. Morse the right to construct and carry on the Electro-Magnetic Telegraph, by him invented and patented, through this State and other States on the route leading from Columbia, in the State of South Carolina, be, and they are hereby made and declared a body politic and corporate in law, for the purpose of constructing, erecting and maintaining a line of the said Telegraph on the route leading to Charlotte, in North Carolina, through this State, and running through the towns of Winnsboro and Chester, in the State of South Carolina, and of transmitting intelligence by means thereof, by the name of and style of the "Columbia and Charlotte Magnetic Telegraph Company."

Line of Tele-
 graph.

Capital stock.

II. That the capital stock of the said company shall consist of twelve thousand one hundred dollars, in shares of fifty dollars each, to be issued to the stockholders of the above mentioned company or who may thereafter contribute funds for the construction and improvement of the said line of telegraph, in such proportions as the said owners and subscribers may agree upon.

Power to pur-
 chase.

III. That the said corporation shall have power and authority to build or purchase any connecting or side lines in this State, having acquired the right to do so from the owners of Morse's patent, and may enlarge its capital for that purpose.

Officers.

IV. That the President and Directors, Secretary and Treasurer, shall hold their respective offices for one year, and until their successors, respectively, shall be elected, and shall exercise such powers pertaining to the building and management of the said Telegraph,

not repugnant to, or incompatible with, the Constitution and laws of this State and the United States, as may be authorized by the by-laws of the said Constitution.

A. D. 1854.

V. That at every election, each share shall entitle its holder to one vote; absent stockholders may vote by agents or proxies, produced written authority from them.

Votes.

VI. That the Columbia and Charlotte Telegraph Company hereby incorporated shall have power and authority to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in any action, suit or proceeding whatever, in any court of law or of equity having competent jurisdiction; to make and use a common seal, and the same to alter at pleasure; to purchase and hold such real and personal estate as the lawful purposes of the said corporation may require, and the same to sell and convey, alien, or in anywise dispose of, in whole or in part, when no longer so required; to appoint such officers and agents as may be necessary to manage the business of the said corporation, and allow them a suitable compensation therefor; to make by-laws, not repugnant to the laws of the land; and generally to use, exercise and enjoy all rights, privileges and franchises which are incumbent or appertain to incorporate bodies.

Rights and privileges.

VII. That the said corporation shall have power and authority to contract with any person or persons or bodies corporate, for the purpose of connecting its lines of Telegraph with lines out of this State.

VIII. That the Columbia and Charlotte Telegraph Company shall have power and authority to set up their fixtures along and across any high road which now or may hereafter belong to this State, and any waters or courses of this State, without the same being held or deemed a public nuisance, or subject to be abated by any private person: *Provided*, The said fixtures be so placed as not to interfere with the common use of such roads, waters or water-courses, or with the convenience of any land owner further than is unavoidable; and the said corporation shall be responsible for any damages which any corporation or private person shall sustain by the erection, continuance and use of any such fixtures; and in any action brought for the recovery thereof by the owner or occupier of any lands, the damages to be awarded may, at the discretion of the said corporation, include the damage of allowing the said fixtures permanently to continue, on the payment of which damages the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit: *Provided*, That no person or body politic shall be entitled to sue for or recover damages as aforesaid, until the said corporation, after due notice, shall have refused or neglected to remove the fixtures complained of within a reasonable time; and every person or persons who shall destroy or commit any trespass upon the fixtures of the said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt, the operations of the telegraph of said corporation, shall pay the said corporation the sum of five hundred dollars for each and every such trespass, and shall be further liable for all damages which said corporation may suffer in repairing the injury, and in the interruption of its business, to be

A. D. 1854.

recovered in an action of trespass; and shall be further liable to indictment, and on conviction be fined or imprisoned, or both, at the discretion of the court in which such indictment shall be tried; and if any person incurring the penalty aforesaid shall, through insolvency or any other cause, be unable, or shall fail to pay the penalty and damages aforesaid, and shall a second time destroy or commit a trespass upon any such fixtures as aforesaid, such person shall be subject to be imprisoned for not less than one month nor more than six months, upon being duly convicted thereof before any court of competent jurisdiction.

Officers of State or U. S. to have preference in certain cases.

IX. That the said corporation shall be bound, upon application of any of the officers of this State or of the United States, acting in the event of any war, insurrection, riot or other civil commotion or resistance of public authority, or in the punishment or prevention of crime, or the arrest of persons charged or suspected thereof, to give to the communications of such officers immediate dispatch; and if any officer, clerk or operator of said corporation shall refuse or willingly omit to transmit such communications, or shall designedly alter or falsify the same for any purpose whatever, he shall be subject, upon conviction thereof before any court of competent jurisdiction, to be fined and imprisoned according to the discretion of the court, and in proportion to the aggravation of the offense for transmitting such communications, the said corporation shall charge no higher price than shall be usually charged by it for private communications of the same length.

Officers exempt from militia and jury duty.

X. That the clerks and operators actually engaged in the transmission of intelligence at the several telegraph stations of the said company shall be, and they are hereby, exempt from the performance of any jury, military or patrol duty.

Public Act.

XI. That the service of the process of any court of this State shall be legal and valid on said body politic and corporate, if the same shall be left at the office of the company within any District of this State: *Provided*, The President of the company is absent from and beyond the limits of the said District; and this Act shall be deemed a public Act, and that it shall continue of force for fourteen years, and no longer.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

BOBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4185. AN ACT TO INCORPORATE THE COLUMBIA FEMALE COLLEGE.

Trustees.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Andrew Wallace, James S. Guignard, John Bryce, Robert Bryce, W. W. Walker, Thomas H. Wade, S. S. McCully, Dr. Alexander N. Talley, Dr. John W. Parker, Dr. John H. Boat-

wright, William Glaze, John Veal, W. B. Johnston, Dr. Whitefoord Smith, Nicholas Talley, William Martin, William Crook, William H. Fleming, Hilliard C. Parsons, John T. Wightman, Colin Murchison, John A. Porter, Claudius H. Pritchard, Dr. Joseph Cross, Samuel Leard and Dr. Robert J. Boyd, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of the Trustees of the Columbia Female College, for the purpose of organizing, establishing, governing and conducting a seminary of learning in the town of Columbia, in the State of South Carolina; and that the said body politic and corporate, by the said name of the Trustees of the Columbia Female College, shall be capable and liable in law and equity, to sue and be sued, to plead and be impleaded, to use a common seal, and to make all such by-laws and rules as they may deem necessary and proper for the regulation, government and conduct of said seminary of learning: *Provided*, Said by-laws and rules be not repugnant to the Constitution and laws of this State, or of the United States.

A. D. 1854.

II. That the said Board of Trustees are and shall be authorized to appoint such officers as they may think necessary and proper for the organization and government of their own body, and also all the officers, professors, tutors and instructors of and in said college, and to remove the same at pleasure, and to exercise such general control and supervision over the officers, instructors, affairs and government of said college as they may deem advisable.

Officers.

III. That the said Trustees and their successors shall have and hold all the estate, property and funds now belonging to said college, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed, devised or given to said college in trust, nevertheless, for the use and benefit of said college. And the said Trustees shall make an annual report to the South Carolina Annual Conference of all moneys received and expended by them for and during the term of the preceding fiscal year.

Powers.

IV. That the said Trustees shall be appointed or chosen for the term of two years by the South Carolina Annual Conference, now being part of the Methodist Episcopal Church, South, and until a new election shall be made at the next regular meeting of said Conference, and said Annual Conference shall have power and authority to fill all vacancies in said Board of Trustees which shall occur or be occasioned by death, resignation or otherwise: *Provided*, That said Board of Trustees may fill any vacancy occurring by death or otherwise; which appointment so made shall continue of force until an appointment or election shall be made to fill such vacancy by the said South Carolina Annual Conference at a regular meeting thereof.

Conference to
appoint Trustees.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1854. AN ACT TO INCORPORATE THE ELMWOOD CEMETERY COMPANY.

No. 4186.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Andrew Wallace, Jno. A. Crawford, J. B. Davis, Jno. Fisher, T. W. Radcliffe, M. Laborde, C. A. Bedell, W. Hampton, Jr., S. Blanding, C. Neuffer, W. W. Walker, J. W. Parker, J. V. Lyles, Wm. Glaze, Jas. S. Scott, Wm. Reynolds, Wm. Wallace, H. P. Dougal, H. Davis, R. Bryce and John Bauskett, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, under the name and style of the Elmwood Cemetery Company; and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, in any court of law or equity, with the other powers usually incident to corporations; and shall have power to purchase, have, hold and enjoy to them and their successors, all that tract of land known as Tickleberry Farm, in the neighborhood of the town of Columbia, comprising two hundred and fifty acres, or so much thereof as they may deem necessary and most appropriate for the purposes of a cemetery, with power to dispose of the remainder should they purchase the whole: *Provided, however,* That the portion selected for a cemetery shall be used exclusively as a place of burial for the dead, and that a plat thereof shall be recorded in the office of the Register of Mesne Conveyances for Richland District, within sixty days after the passing of this Act.

Members of
the company.

Powers.

Proviso.

Directors.

II. That the persons named above shall be the first Board of Directors of the said Elmwood Cemetery Company, and shall have power to lay out and ornament the grounds, to dispose of and arrange burial lots, and to make such by-laws, rules and regulations relative to the election of Directors and their successors, and the appointment of suitable officers and agents, and also such rules and regulations for the government of lot holders and visitors to the cemetery, and for the management of the affairs of the company generally, as from time to time they may deem necessary. That the said Elmwood Cemetery Company shall be able and capable in law to sell and dispose of the above mentioned land for burial lots, and also to have and hold so much personal estate, and no more, as may be necessary for the purposes of this incorporation: *Provided,* That the said land, selected for a cemetery, shall never be granted but for burial lots; and that the lots so granted shall be held by the proprietors for the purposes of sepulture alone.

Only for bur-
rial.

III. That no streets or roads shall hereafter be opened through the land so appropriated, except by and with the consent of this corporation.

Protection.

IV. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure placed in the cemetery aforesaid, or any fence, railing or other works for the protection or ornament of any tomb, monument, grave stone or other structure aforesaid, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any Court of General Sessions, be punished by a fine, at the discretion of the presiding Justice, according to the aggravation of the offence, of not less than five nor more than fifty dollars.

V. That the members of said corporation shall be jointly and severally liable for all debts and contracts made by the said corporation during the period of their membership.

VI. That the said cemetery grounds shall be exempt from taxation, and also from levy and sale under execution.

A. D. 1854.
 Liability for
 debts.
 Exempt from
 taxes.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE CHARTER OF THE TOWN OF COLUMBIA, AND FOR OTHER PURPOSES. No. 4187.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the first Monday in April next, all and every person or persons whatsoever, who are constitutionally qualified to vote for members of the Legislature of this State, and who may have resided within the present corporate limits of the town of Columbia for one year, and their successors, are hereby declared to be members of the corporation hereby intended to be created.

Corporators.

II. That the said persons and their successors shall, from and after the first Monday in April next, become a body politic and corporate, and shall be known and called by the name of "The City of Columbia;" shall have a common seal, may sue and be sued, implead and be impleaded, in any court of law or equity in this State, and may purchase, hold, possess and enjoy to them and their successors in perpetuity, or for any term of years, any estate, real, personal or mixed.

Name.

III. That the municipal powers of the said city shall be, and are hereby, vested in a Mayor and six Aldermen, to be chosen as hereinafter mentioned and directed, who shall be denominated the Mayor and Aldermen of the city of Columbia.

Mayor and
 Aldermen.

IV. That on the first Monday in April next, and on the first Monday in April of every succeeding year, an election for Mayor and Aldermen shall be held at some convenient place within each of the wards, as now laid out and designated in the present town of Columbia, or as they may be hereafter designated and laid out, by the Mayor and Aldermen of the said city of Columbia, at which elections all such persons as have been hereinbefore declared members of the said corporation shall be entitled to vote by general ballot: *Provided*, That no person shall be allowed to vote at any such election (except the first) who shall not have registered his name as a voter with the City Clerk in a book or books to be kept by him for that purpose, at least thirty days before every such election: *And provided*, That the present Intendant and Wardens of the

Election.

Qualification.

A. D. 1854. town of Columbia shall have the right and power to fix the places within said wards, and to nominate the Managers for holding the said election on the first Monday in April next, and the Mayor and Aldermen of the said city of Columbia shall designate the places and managers of all subsequent elections to be held under this Section of this Act: *And provided, further,* That two of the Aldermen so to be elected shall reside in each of said Wards.

Time of elec- tion. Oath of of- fice. Quorum. V. That the Mayor and Aldermen to be elected as above directed shall, before they enter upon the duties of their office, take the following oath, to wit: "I, A B, (Mayor or Alderman of the city of Columbia,) do solemnly swear (or affirm, as the case may be) that I will equally and impartially, to the best of my skill and judgment, exercise and discharge the trust reposed in me, and will endeavor to carry into effect the purposes for which I have been appointed, so help me God." And that the said Mayor and any four or more of the Aldermen shall constitute a quorum to do the business of the Board; and in case of the death, resignation or removal from town of the Mayor aforesaid, the said Aldermen or a majority of them, shall elect from among themselves a Mayor to fill such vacancy occasioned as aforesaid; and that in case of the death, removal from office, or resignation of any of the said Aldermen, then and in such case the Mayor and any two or more of the said Aldermen shall appoint a time and place for electing another Alderman to fill the vacancy so occasioned, after having given ten days' previous notice of such election; and at such election no person shall be allowed to vote who shall not have registered his name as above provided, previous to the last regular annual election for Mayor and Aldermen preceding the election to fill such vacancy.

Meetings. VI. That the Mayor may, as often as occasion may require, summon the Aldermen to meet together, and the said Mayor and Aldermen shall have and they are hereby vested with full and ample power, from time to time, under their common seal, to make all such ordinances, rules and regulations relative to the streets and markets of the said city, as they may think proper and necessary, and establish such by-laws as may tend to preserve the quiet, peace, safety and good order of the inhabitants thereof. And that they may fine and impose fines and penalties for the violations thereof, which may be recovered in a summary way before the said Mayor and Aldermen, as is hereinafter provided, who, and each and every one of whom, shall be Magistrates, *ex officio*, within the limits of the said city, and shall otherwise be vested with all power and authority that Magistrates are vested with throughout the State: *Provided, nevertheless,* That all such ordinances, by laws, rules and regulations so made be duly promulgated, and that no such fine in any one case, and for any single offense, exceed the sum of fifty dollars.

Fines. VII. That when any fine imposed by the said Mayor and Aldermen, by virtue of this Act, shall exceed twenty dollars, the same may be recovered in the Circuit Court of Richland District; and when such fines shall be for twenty dollars or under, they may be recovered before the said Mayor and Aldermen, or any three of them; all which fines, when recovered, shall be applied to the use of said city.

VIII. That the Mayor and Aldermen of the said city, in addition

A. D. 1851.

Taxes.

to all such fines and penalties as may be incurred and recovered, and the tax on all licenses for taverns, for sales at auction, public shows and entertainments, and for retailing spirituous liquors within the said city (all of which the said Mayor and Aldermen, or a majority of them, shall have a right to grant in the same manner as they have heretofore been granted by the Town Council of Columbia, or as may be hereafter prescribed,) shall annually, within ten days after entering on the duties of their office, appoint some fit and proper person as an assessor of real estate, who, after taking the following oath, to be administered by the Mayor or any one of the said Aldermen, to wit: "I, A B, do swear, (or affirm, as the case may be,) that I will well and truly, to the best of my judgment and knowledge, fairly and impartially assess and value the real taxable property within the city of Columbia, and make returns, as well of such property as also the several proprietors and occupants thereof, to the Mayor and Aldermen of the city of Columbia, so help me God;" shall proceed to assess and value all the real taxable property within the city of Columbia, and shall, within one month after his appointment, make a full and true return of all property so assessed by him, together with a list of the proprietors and occupants of the same, to the said Mayor and Aldermen, whose duty it shall be to lay on the same sufficient to discharge and defray all expenses of carrying into effect the ordinances, rules, regulations and by-laws, made and established as above provided: *Provided*, Such tax does not exceed one dollar for every hundred dollars' worth of real property so assessed; which said tax shall be collected as the said Mayor and Aldermen may direct.

IX. That the said Mayor and Aldermen be, and they are hereby, authorized and empowered to levy and collect such tax as they may judge expedient upon all pleasure carriages, omnibuses, hacks, wagons, drays, carts, break-wagons, and all other vehicles belonging to the inhabitants of the said city of Columbia, and used within its limits, and upon such wagons, carts, drays or other carriages belonging to non-residents of said city, as haul freight or passengers for hire within the limits of said city, for more than one day at a time, and upon all break-wagons, for breaking or exhibiting horses or mules for sale, and belonging to non-residents of said city: *Provided*, Said tax in no instance shall exceed that imposed on similar vehicles belonging to residents of said city: *And provided, also*, Nothing herein contained shall be construed to extend to wagons, carts, drays, or other carriages going to or returning from market.

Tax on carriages.

X. That the Mayor and Aldermen of the city of Columbia are hereby authorized and empowered, in their corporate capacity, to impose upon all merchandise exposed to sale, or upon the proceeds of all merchandise sold after sale, within the corporate limits of said city, a tax equal in amount to that imposed by the State, at the time at which such tax shall be assessed; and, further, to impose at their discretion, upon all dogs owned by persons residing within the corporate limits of said city, a tax not less than one nor more than five dollars per head; and also to impose upon all slaves living within the said city a tax of not more than one dollar per head; also to impose such reasonable tax as they may deem expedient upon all free negroes, mulattoes or mestizoes residing within the

Taxes.

A. D. 1854.

limits of said city; also upon all sales at auction within the corporate limits of said city, and upon all sales upon consignment, (except sales made by order of any court, or by process of law,) also upon premiums received by agents of foreign insurance companies doing business within the corporate limits of said city; also upon incomes derived from factorage employments, or the practice of professions within the limits of said city: *Provided*, Such tax shall not exceed twenty-five cents on every hundred dollars of income: *And provided*, Such tax shall not extend to the incomes of Ministers of the Gospel and school masters; also upon all equestrian or theatrical performance or other exhibition for gain.

To issue executions.

XI. That the said Mayor and Aldermen are hereby authorized to issue executions to collect the taxes imposed under and by virtue of this Act, and it shall be the duty of the Sheriff of Richland District for the time being to collect the same, and all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof, in preference to other debts due by the person owning the property at the time of the assessment; except debts due the State, which shall be first paid.

Executions.

XII. That the Mayor and Aldermen of the said city be and they are hereby authorized and empowered to issue an execution against the body of every person for any sum of money imposed by way of fines or tax or exemption for street or patrol duty, against whom an execution against the property of such person shall have been previously issued for the same, and a return thereon made by a Marshal of said city, or the Sheriff of Richland District, on oath that no property of such person could be found wherewith to satisfy said execution, and upon the arrest of such person he is hereby entitled to have the benefit of the prison bounds Act, before a Magistrate instanter, upon notifying the Mayor thereof.

The power to grant licenses.

XIII. That the said Mayor and Aldermen shall have power to prohibit the building and working of any blacksmith shop, forge, furnace or foundry on Richardson or Main street, or in any other public part of the said city.

XIV. That the said Mayor and Aldermen shall have power to grant tavern licenses and licenses to retail spirituous liquors in the same manner as the Town Council of Columbia is at present authorized to grant the same by laws of the State.

Patrol.

XV. That from and after the first Monday in April next, the power and duty of organizing, regulating and superintending the patrol within the limits of said city of Columbia, be, and the same are hereby, transferred to, vested in, and devolved upon the Mayor and Aldermen of said city, who are hereby vested with full power to make all such ordinances, rules and regulations relative to the time and manner of performing patrol duty within the limits of said city, as may be necessary to preserve the peace, good order and safety of the inhabitants thereof.

Mayor *pro tem*.

XVI. That in case of the sickness or temporary absence of the said Mayor, the said Aldermen, or any five of them, may elect from amongst themselves a Mayor *pro tempore*, to act as Mayor during such sickness or temporary absence; and said Mayor *pro tempore*, and any four or more of said Aldermen shall constitute a quorum to do business.

XVII. That the Mayor and Aldermen of the said city of Columbia be, and the same are hereby, vested with, all the power and authority heretofore exercised by the Intendant and Wardens of the town of Columbia as Commissioners of the Poor in said town; and that all the authority that has heretofore been vested by law in the said Intendant and Wardens over the poor of said town be, and the same shall inure to the said Mayor and Aldermen as to the poor of the said city of Columbia.

A. D. 1854.

Mayor and Aldermen vested with power over the poor.

XVIII. That the said Mayor and Aldermen of the said city of Columbia are hereby authorized and empowered to establish and keep up one or more public scales or scale houses, with proper scales and weights for weighing cotton and other articles sold by weight in the said city, by and at the expense of the said city.

Public scales.

XIX. That the said Mayor and Aldermen be, and they are hereby, authorized to appoint one or more public weighers, who shall be sworn by the said Mayor faithfully to perform the duties of said office, and who shall be removeable for misconduct or incompetency by said Mayor and Aldermen; and when reference is had to any of the public scales used by said weighers by the authority of said Mayor and Aldermen, on the same day that the contract of sale is made, the certificate of the public weigher shall be conclusive evidence of the weight of the cotton or any other article sold by weight, in any court of justice in which an action shall be pending, touching the weight of such article; and the said Mayor and Aldermen are hereby authorized to assess a sum not exceeding six cents upon each bale of cotton, and a proportional sum on other articles weighed, to be paid by the seller for the use of the said city.

Weighers.

XX. That the public scales and weights established in pursuance of this Act shall be the standard to which all others in the said city shall conform; and if any person shall use in weighing any article whatsoever sold in said city, weights and scales differing from the said standard, such person, on conviction in the Court of Sessions for Richland District, shall be fined and imprisoned at the discretion of the court.

Standard of weights.

XXI. That the Mayor and Aldermen of the city of Columbia be, and they are hereby, authorized and empowered to regulate sales at auction within the limits of said city, to grant license to auctioneers, and to lay such taxes on sales at auction as they may deem expedient: *Provided*, That nothing herein contained shall extend to sales by or for Sheriffs, Commissioners in Equity, Coroners, Ordinaries, Executors or Administrators, or by any other person under the order of any court or Magistrate.

Sales at auction.

XXII. That no property belonging to the State of South Carolina within the corporate limits of said city shall be liable to any tax or duty imposed by virtue of this Act.

State property not to be taxed.

And whereas, the present Town Council of Columbia have subscribed for stock in the Hamburg and Columbia Railroad Company, and are also considerably indebted, many of which debts are about to fall due:

XXIII. *Be it therefore enacted*, by the authority aforesaid, That

A. D. 1854. } the Mayor and Aldermen of the city of Columbia be, and they are hereby, authorized to borrow money by issuing city stocks from time to time to the amount of five hundred thousand dollars, if so much be necessary, to pay the instalments on the subscription of the Town Council to the said railroad, and the debts which may be due or may become due, and require to be paid by said Mayor and Aldermen: *Provided*, That the private property of the citizens of the said city of Columbia shall not be liable, in law or equity, for the payment of the corporate debts that shall or may be created under the granted powers herein made, in any other mode than by a regular and uniform taxation.

Railroad stock. XXIV. That the Mayor and Aldermen of the city of Columbia, whenever the stock of said railroad company reaches par value, are authorized to sell and convey the same; and in case the said stock should not attain par value by the time said railroad may be completed, the said Mayor and Aldermen are hereby authorized and empowered to sell the said stock in their discretion at its market value, and after applying the proceeds to the redemption of their bonds, issued by virtue of this Act, to make provision for the residue out of the revenues of the said city.

All Acts heretofore passed legal. XXV. That all ordinances, by-laws, rules and regulations heretofore passed by the present or any previous Town Council of Columbia, under and by virtue of any authority conferred upon them by the twenty-fifth Section of an Act passed by the General Assembly of this State, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, entitled "An Act to incorporate certain societies," or by the seventh, ninth and tenth Sections of an Act passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, entitled "An Act to incorporate certain societies," and all Acts and things done and performed by said Town Council of Columbia, or any or either of them under and by virtue of the said ordinances, rules, by-laws or regulations, or under and by virtue of the said clauses of said Acts, be, and the same are hereby, declared to be legal, valid, and of full force and virtue, as if said Acts had not expired by the limitations therein fixed, notwithstanding such ordinances, by-laws, rules, or regulations were adopted, and such acts and things done and performed since the said Acts may have expired by their own limitation aforesaid.

Powers of Mayor and Aldermen. XXVI. That the Mayor and Aldermen of the city of Columbia be, and the same are hereby, vested with all the powers and authority heretofore conferred by the law of this State upon the Intendant and Wardens of the town of Columbia, except as altered, repealed or modified by this Act, and that all Acts or parts of Acts heretofore passed inconsistent with this Act, be, and the same are hereby, repealed.

XXVII. That the Mayor and Aldermen of the city of Columbia shall have power and authority to pass all needful rules, ordinances and regulations for proper regulation and government of slaves and free persons of color within the limits of said city.

Public Act. XXVIII. That this Act shall be deemed and taken as a public

Act, and due notice thereof shall be taken, in all courts of justice and elsewhere in this State.

A. D. 1854.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE BETTER ADMINISTRATION OF JUSTICE IN THE CITY COURT OF CHARLESTON. No. 4188.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter a writ of *venire facias* issuing from the said court for petit jurors to serve for any one week of any term of the said court, may contain the names of thirty-six jurors, from whom a jury (or two juries, if the Recorder of the city of Charleston, the Judge of the said court, shall regard more than one jury necessary for the proper dispatch of the business before the court,) shall be impannelled; and in case of the non-attendance of jurors drawn and summoned, their places may be supplied by talesmen drawn in the usual mode.

Thirty-six
jurors.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXTEND THE TIME ALLOWED THE GREENVILLE AND COLUMBIA RAILROAD COMPANY, AND THE NEWBERRY AND CHESTER RAILROAD COMPANY, TO OPEN BOOKS OF SUBSCRIPTION TO THE CAPITAL STOCK OF SAID COMPANIES. No. 4189.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the time allowed to the Greenville and Columbia Railroad Company by the Act entitled "An Act to amend the charter of the Greenville and Columbia Railroad Company," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, be extended so that the said company shall be, and is hereby, authorized and empowered, within two years after the ratification of this Act, in such manner and form, and at such times and places as the direction of said company

Act of Dec.
1853 extended.

A. D. 1854.

may order, to open and close books of subscription for new stock in the capital of said company, to be employed in the construction of a branch of their road from some point on their main trunk west of the Saluda River, to connect with the South Carolina Railroad at or east of Aiken.

II. That an Act entitled "An Act to authorize the formation of the Newberry and Chester Railroad Company, passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, be, and the same is hereby, so amended that the time prescribed in the said Act for the subscription of eight thousand shares to the capital stock of the Newberry and Chester Railroad Company, be extended to two years from and after the passing of this Act, and to one year thereafter for the commencement of work on said road.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4190. AN ACT TO INCORPORATE THE COLUMBIA MACHINE WORKS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John N. Scofield, Zebulon Butler, John A. J. Derrick, Samuel Fair, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of the Columbia Machine Works, for the purpose of manufacturing and selling stationery engines and railroad cars, and machinery of all sorts of which wood and iron may form a part, as well as all machinery used for such purposes, and for the transaction of such business as may be necessary, and may erect such shops, houses and other works as may be required to carry on such branches of manufacture, and shall have power to raise by subscription, in shares of fifty dollars each, a capital stock of seventy-five thousand dollars, and shall have the privilege at any time hereafter of increasing the said capital stock to one hundred and fifty thousand dollars.

Title.

Capital stock.

May hold real estate.

II. That the said corporation may purchase and hold such real estate as may be required for the purposes of the said corporation, or such as they may be obliged or deem it for their interest to take in the settlement of any debts due the said corporation, and may dispose of the same, and may sue and be sued in all courts of law and equity, may have and use a common seal and make such laws for their regulation and government as they may see proper: *Provided*, That they are not inconsistent with the laws and Constitution of the United States and of this State.

Amount to be paid in.

III. That the said corporation shall not go into operation until fifty thousand dollars of the said capital stock shall be paid in gold,

silver or current bank notes of this State, or in such real estate, stock in trade or machinery as may be necessary for carrying on the business of the said corporation, and an oath or affirmation thereof shall be made by the President, Treasurer and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office.

A. D. 1854.

IV. The members of the said corporation shall be liable, jointly and severally for all debts and contracts made by the corporation until the whole amount of seventy-five thousand dollars, to be subscribed as aforesaid, shall have been actually paid in, and no note or obligation given by any stockholder, whether secured by a pledge of the stock or otherwise, shall be considered as payment of any part of the capital stock until such notes or obligations shall have been actually paid.

Cash to be paid.

V. That the capital stock shall be deemed personal property, and be transferable upon the books of the said corporation, and no part of the said capital stock shall at any time, or upon any pretence whatsoever, be loaned to or divided amongst the stockholders; neither shall the capital be withdrawn or divided among the stockholders until all the liabilities of the company are lawfully paid, and no dividends shall be declared except from the net earnings of the company; each stockholder shall have one vote for each share he may own or represent at the election of Directors and all meetings of the company.

Stock personal property.

VII. That if the proprietor of any share shall neglect to pay any instalment assessed thereon for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the company, by the order of the Directors, may sell, at public auction, a sufficient number of such delinquents shares to pay all instalments then due from him, with all necessary incidental charges. The Treasurer shall give notice of the time and place of sales, and of the sum due on each share, by advertising the same three weeks successively before the sale in one of the newspapers printed in the town of Columbia, and a bill of sale of the shares so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

Stock may be forfeited if not paid.

VIII. That John N. Scofield, Zebulon Butler, John A. J. Derrick and Samuel Fair, may open books and take subscriptions for the capital stock in such manner as they may deem expedient, and whenever such subscriptions shall amount to fifty thousand dollars, the stockholders, having had two weeks' notice, in writing, or in any public newspaper printed at Columbia, may meet and proceed to elect such Directors and officers as they may deem necessary for conducting the affairs of the company, and they to hold office until their successors shall be elected, and such Directors, and their successors, shall have power to dispose of any remainder of the stock which may not have been subscribed for in such manner and at such times as they may deem fit.

Organization.

IX. That the Directors shall submit to the stockholders annually a written statement setting forth the amount of capital stock paid in and general assets of the company, and also the amount of all their existing debts.

Annual report.

X. That the service of the process of any court in this State

A. D. 1854.

Term of charter.

shall be legal and valid on said body politic and corporate, if the same be made upon the President of the Company, or, in his absence from the District of Richland, a copy be left at the manufactory that this Act shall continue in force for fourteen years, and no part of the capital stock or any of the funds of the said corporation shall at any time be used or employed, directly or indirectly, in banking operations.

Debts not to exceed capital.

X. The total amount of the debts which the said corporation shall at any time owe shall not exceed the amount of its capital stock actually paid in; and in case of excess, the Directors, under whose administration it shall happen, shall be jointly and severally liable for the same in their individual capacities. Such of the said Directors as may have been absent when the said excess was contracted or created may respectively exonerate themselves from being so liable by forthwith giving notice of the fact to the stockholders at a general meeting, which he or they shall have power to call for that purpose.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4191. AN ACT TO INCORPORATE THE SPARTANBURG FEMALE COLLEGE.

Title.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Simpson Bobo, David W. Moore, Thomas O. P. Vernon, J. B. Tolleson, H. J. Dean, H. H. Thompson, James McMain, O. E. Edwards, James Farrow, D. C. Judd, and their associates and successors, be, and they are hereby, declared a body politic and corporate, by the name and style of "The Spartanburg Female College Association," being shareholders and joint proprietors of the corporate property known as "The Spartanburg Female College," located in the town of Spartanburg, South Carolina.

To sue and be sued.

II. That the said association shall have power, in their corporate name, to sue and be sued, plead and be impleaded in any court of law or equity in this State; to purchase and hold real and personal estate; to have a common seal, and the same to break and alter at will, and to make all such by-laws for the good government of the said corporation as they may deem necessary, not inconsistent with the laws of the land.

Election.

III. That said association shall have power and authority to assemble in their corporate capacity at such time and place as shall be previously designated for that purpose, of which due and proper notice shall be given in one of the weekly newspapers published in the town of Spartanburg; once in every two years to elect suitable persons to act as Trustees of said College; to receive and inspect

the fiscal report of the Board of Trustees and to perform such other functions and exercise such other powers for the better direction and management of said college as they may deem proper, not inconsistent with the general provisions of this Act.

A. D. 1854.

IV. That at all such biennial meetings each shareholder shall be allowed to vote either in person or by proxy, and shall be entitled to one vote for every share of twenty-five dollars of which he or she shall be the *bona fide* holder: *Provided*, That no amount of stock shall entitle the holder to more than two hundred votes.

Votes.

V. That the capital stock of said corporation is hereby authorized to be increased to the sum of one hundred thousand dollars.

Capital stock.

VI. That the Board of Trustees herein provided for shall consist of thirteen members, who shall be entitled to hold their office for the term of two years, and until a new election shall take place.

Trustees.

VII. That the said Board of Trustees shall have power to elect Professors for said college and, from time to time, fill all such vacancies as may occur among them, and to remove them at their discretion; to prescribe a course of study to be pursued by the students; to confer degrees and award diplomas, and such other honorary distinctions to graduates as are common in the colleges of the United States; to enact rules and regulations for the government of the said college, and make all necessary contracts therewith connected; to receive and disburse the funds of said corporation; to declare dividends of the capital stock, and pay over the same to the shareholders; and to do all other acts necessary to the proper conduct, management and success of said college; and to have, enjoy and exercise all other rights, powers and privileges usually incident to literary institutions of similar grade.

Organization.

VIII. That the South Carolina Annual Conference of the Methodist Episcopal Church, having subscribed the sum of five thousand dollars to the capital stock of said corporation, and having released in favor of said corporation all right to receive any dividends arising upon said stock, the said Annual Conference shall have the right perpetually to nominate and appoint seven members of the Board of Trustees hereinbefore provided for; and the said corporation shall receive and educate, without charge for tuition, such pupils being the daughters of Methodist ministers, living within the bounds of said Annual Conference, as shall apply for admission into said college, properly prepared to enter college, according to such grade of scholarship as shall be fixed by the regulation of college: *Provided*, These conditions be assented to and affirmed by a vote representing a majority of the capital stock of said corporation other than the stock of the said Conference; and if the said conditions shall be rejected by the stockholders at their first regular meeting under this charter, then the obligations herein imposed on said corporation shall be void, and the said subscription of the South Carolina Annual Conference shall be released and forfeited, and the said sum of five thousand dollars, so subscribed, shall revert to said Annual Conference.

Annual Conference to elect Trustees.

Proviso.

IX. That it shall be the duty of the Board of Trustees herein provided for, to make a detailed report of the fiscal affairs of the said college to each regular meeting of the stockholders, with proper vouchers for all disbursements by them made during their term of office.

Regular report.

A. D. 1854.

Trustees liable.

X. That the shareholders in the said corporation shall not be liable for the debts or other liabilities of said college beyond the amount of their corporate interest, being the shares held respectively by said corporators; but the Trustees under whose direction any excess of debt above the corporate means and assets of said college shall or may be created shall become and be deemed liable in their individual character for such excess of debt or liability as aforesaid: *Provided*, That any member of said Board of Trustees may exempt himself from such liability by a formal dissent from the act or acts creating such debt or liability; or, otherwise being absent from any meeting of said Board at which such liability shall have been created.

To receive donations.

XI. That the said corporation shall have power to take, by donation, bequest or otherwise, real and personal estate for the use of said college to any amount not exceeding in value the sum of three hundred thousand dollars.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4192. AN ACT TO AUTHORIZE THE STATE TO AID IN THE CONSTRUCTION OF THE CHARLESTON AND SAVANNAH RAILROAD.

When Comptroller General is to subscribe.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory proof shall be produced to the Comptroller General that responsible persons or corporations have subscribed seven hundred and fifty thousand dollars to the capital stock of the Charleston and Savannah Railroad Company, it shall be his duty, and he is hereby authorized and required to subscribe, on the part of the State, the sum of two hundred and seventy thousand dollars in shares of the State in the Wilmington and Manchester Railroad Company, the King's Mountain Railroad Company, and the South Carolina Railroad Company, at their par value; that whenever four hundred thousand dollars shall have been paid in and expended in the construction of the said road, the Comptroller General shall transfer and deliver to said company so much of the stock of the State in the Wilmington and Manchester Railroad Company as shall amount, at its par value, to two hundred thousand dollars; and when the further sum of one hundred and fifty thousand dollars shall have been paid in by the stockholders of the said company, and the same shall have been expended as aforesaid, the Comptroller General shall transfer and deliver to the said company the sum of twenty thousand dollars stock owned by the State in the South Carolina Railroad Company, and the sum of fifty thousand dollars owned by the State in the King's Mountain

What stocks to be transferred.

Railroad Company, the said stocks to be received at their par value; and on making the said transfers, the Comptroller General shall take, in the name of the State, a certificate from the said company of a number of shares in said company corresponding to the amount of the aforesaid subscription.

A. D. 1854.

II. That the State shall in no way whatever be liable for the debts and contracts of the said Charleston and Savannah Railroad Company.

III. That the said State shall have the same rights in the company, and in its management, as are reserved to private stockholders; and the General Assembly shall at any time have a right to examine into the condition of the said company, and the company shall annually submit to the Legislature a report exhibiting its condition and prospects.

Annual report to be made.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RECHARTER THE BOARD OF DIRECTORS OF THE THEOLOGICAL SEMINARY OF THE SYNOD OF SOUTH CAROLINA AND GEORGIA. No. 4193.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter heretofore granted to the Board of Directors of the Theological Seminary of the Synod of South Carolina and Georgia be, and the same is hereby, renewed and extended for twenty-one years from the ratification of this Act, with all the powers, privileges and conditions heretofore by the Act of incorporation conferred upon the said body corporate, with ability, power and capacity to receive, hold and enjoy property, real and personal, to the amount of three hundred thousand dollars.

Charter renewed.

II. That all the acts done by the said corporation in accordance with its charter, (granted on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, which expired by its own limitation on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty three,) since the expiration of its charter, be, and the same are hereby, declared to be legal and valid.

Acts declared legal.

III. That this Act is hereby declared to be a public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.
 VOL. XII—20

A. D. 1854.

No. 4194.

AN ACT TO INCORPORATE THE VILLAGE OF MARION, AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all persons, citizens of the United States, having resided six months in the village of Marion, shall be deemed and are hereby declared a body politic and corporate, and the said village shall be called and known by the name of Marion, and its corporate limits shall extend three-fourths of a mile in the direction of the cardinal points from the new court house, now being erected in the said village, as a centre and form a square: *Provided*, That the provisions of this Act extending the limits of the corporation of Marion to an ideal line beyond the lots included in the said village, shall not be construed to render the lands and buildings taken in by such extension any more liable to be ranked as village property, or property contiguous thereto, in the collection of public taxes, than if this Act had not been passed.

A body corporate.

Officers.

II. That the said village shall be governed by an Intendant and four Wardens, (who shall always be freeholders within the limits of said village,) who shall be elected on the second Monday in January in every year, and shall continue in office until the election and qualification of their successors. The Managers of the first election shall be appointed by the Clerk of the Court of the District of Marion, who shall also designate the place of said election within the corporate limits of the said village; ten days' notice, in writing, being previously given; and that every succeeding election for said Intendant and Wardens shall be held at such place and by such persons as the Council shall thereafter designate and appoint; and that all free white male inhabitants of the said village who have attained the age of twenty-one years, and have resided therein six months previous to the election, paupers excepted, shall be entitled to vote for said Intendant and Wardens, the election to be held from ten o'clock in the morning until three o'clock in the afternoon, and when the poll shall be closed, the Managers shall count the votes, proclaim the election, and give notice thereof, in writing, to the persons elected. That the Intendant and Wardens, before entering on the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant or Warden of Marion, I do solemnly swear that I am duly qualified to exercise the office to which I have been elected, and that I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment, so help me God."

Qualification of voters.

Oath.

Vacancy.

III. That in case a vacancy shall occur in the office of Intendant or any of the Wardens, by death, resignation, removal from office, or by removal from the State, an election shall be held by the appointment of the Intendant and Warden or Wardens, as the case may be, ten days' previous notice being given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of themselves to act as Intendant during the time.

IV. That the Intendant and Wardens duly elected and qualified shall, during the term of service, severally and respectively be vested with all the powers of Magistrates in this State, within the limits of the said village, except for the trial of small and mean causes, on taking the oath now by law required to be taken by Magistrates; and the Intendant shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, may constitute a quorum to transact business; and they shall be known by the name of the Town Council of Marion, and they and their successors hereafter to be elected may have a common seal, which shall be affixed to all their ordinances, may sue and be sued, implead and be impleaded, in any court of law or equity in this State, and may purchase, hold, possess and enjoy, to them and their successors in perpetuity, or for any term of years, any estate, real, personal or mixed: *Provided*, The same shall not exceed the sum of ten thousand dollars. And the Intendant and Wardens shall have full power, under their corporate seal, to make and establish all such rules, by-laws and ordinances respecting the roads, streets, markets and police of said village as shall appear to them necessary and requisite for the security, welfare and convenience of the said village, or for preserving health, peace, order and good government within the same; and the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of the said corporation; but no fine above the sum of twenty dollars shall be collected by the said Council, except by suit in the Court of Common Pleas: *And provided, also*, That no fine shall exceed fifty dollars, and also that nothing herein contained shall authorize the said Council to make any by-laws inconsistent with, or repugnant to the laws of this State; and all by-laws and ordinances the Council may make shall at all times be subject to revisal or repeal by the Legislature of this State.

V. That the Intendant and Wardens shall have the full and only power of granting licenses for billiard tables, to keep tavern or retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same conditions as they now are, or may hereafter be granted by Commissioners of Roads under the laws of this State; and all the powers vested in the Commissioners of Roads are hereby granted to the said Intendant and Wardens within the said limits; and all moneys paid for licenses, and for fines and forfeitures, for retailing spirituous liquors, keeping taverns and billiard tables within the said limits without licenses shall be appropriated to the public uses of the said corporation.

VI. That the Intendant and Wardens of the said village, in addition to all such fines and penalties as may be incurred and recovered, and to the tax on all licenses for taverns, billiard tables and retailing spirituous liquors, (all of which the said Intendant and Wardens having a right to grant as hereinbefore stated,) shall, annually, within ten days after entering on the duties of their office, appoint some fit and proper person as an assessor, who, after taking the following oath, to be administered by the Intendant or any one of the said Wardens, to wit: "I, A B, do swear, (or affirm, as the

A. D. 1851.

Powers.

Proviso.

Fines.

Proviso.

May grant licenses.

Assessor.

A. D. 1854.

case may be,) that I will well and truly, to the best of my knowledge and judgment, fairly and impartially assess and value all the real taxable property within the limits of the said village, and make returns as well of such property as also of the several proprietors and occupants, to the said Council—so help me God;” shall proceed to assess and value all the real taxable property within the said village, and shall, within one month after his appointment, make a full and true return of all the property so assessed by him, together with a list of all the proprietors and occupants of the same, to the Board of Wardens, whose duty it shall be to lay a tax on the same sufficient to discharge and defray all the expenses of carrying into effect the rules, regulations and by-laws made and established as above mentioned: *Provided*, Such tax does not exceed fifty cents for every hundred dollars’ worth of property so assessed, which said tax shall be collected as the said Council may direct.

Proviso.

VII. That the said Intendant and Wardens of said village shall have power to lay a tax not exceeding twelve cents on each slave within said village, but shall have no power to lay any tax on any other personal property whatever. That the said Intendant and Wardens shall have power to levy and collect such tax as they may deem expedient upon all free persons of color within said corporate limits: *Provided*, Such tax shall in no case exceed the sum of two dollars per head.

Taxes.

Proviso.

VIII. That the power and duty of organizing, superintending and regulating the patrol of the said village be, and the same are hereby, transferred to the said Council; and for that purpose the said Council is vested with all the powers in that respect exercised by the officers of a beat company and courts martial; and severally and collectively the members of the said Council are made subject to like penalties for neglect of duty. No ordinances, however, shall diminish the quantity of duty which is now or may hereafter be provided by law.

Patrol.

Road duty.

IX. That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and ways within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted to Commissioners of Roads. The Intendant and Wardens shall have power to compound with all persons liable to work on said roads, streets and ways, to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the uses of said corporation; and no person residing within the said limits shall be liable to work on any road without the said limits.

Shows liable to taxation.

X. That the said Intendant and Wardens shall have power to collect the taxes from all persons representing publicly, within their corporate limits, for gain or reward, any plays or shows of what nature or kind soever, which have hitherto been payable to the Clerk of the Court of said District, to be used for the purposes of said corporation.

Insolvents.

XI. That all the fines imposed by the said Intendant and Wardens shall be collected by a *feri facias*, or, if that be returned *nulla bona*, by a *capias ad satisfaciendum*, under the hand of the said Intendant and seal of the corporation, which, if not paid, may be discharged by schedule and assignment, according to the provision of the

Prison Bounds Act, after giving ten days' notice to the said Intendant and Wardens.

A. D. 1854.

XII. That the said Intendant and Wardens shall have power, and are hereby authorized, to elect or appoint a Marshal or Marshals who, upon taking the oath now by law required to be taken by Constables, shall be invested with all the powers Constables now have by law, whose jurisdiction and authority shall be confined within the corporate limits of said village.

Marshals.

XIII. That for any wilful violation or neglect of duty, malpractice, abuse or oppression, the said Intendant and Wardens, severally, shall be liable to indictment in the Court of Sessions, and upon conviction, to punishment by fine at the discretion of the court, not exceeding one hundred dollars, and to removal from office, besides being liable for damages to any person injured.

Indictment.

XIV. This Act shall be deemed and taken to be a public Act, and shall continue of force for four years, and until the end of the Session of the Legislature then next ensuing.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.



AN ACT TO VEST THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY THEREIN MENTIONED IN CERTAIN PERSONS THEREIN NAMED.

No. 4195.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to the real estate of Charity Steen, deceased, late of Marlborough District, be, and the same is hereby, vested in John Steen, Allen Steen, Sarah Steen and Mary Steen, their heirs and assigns forever; and that all the right, title and interest of the State in and to the real estate of Charles Tolle, deceased, late of the city of Charleston, be, and the same is hereby, vested in John Tolle and Anne E. Lips, a brother and sister of said deceased, their heirs and assigns forever.

Real estate of
 Charity Steen.

Real estate of
 Charles Tolle.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1854. AN ACT TO INCORPORATE THE SOUTHERN MUTUAL LIFE IN-
 No. 4196. SURANCE COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That J. M. Allen, J. W. Parker, Rev. William Martin, John Bryce, J. S. Preston, Rev. William Crook, W. F. DeSaussure, E. J. Scott, B. C. Pressley, John Fisher, Richard Sondley, Rice Dulin, J. McF. Gaston, J. Belton O'Neall, R. Ward, M. Laborde, J. P. Reed, C. A. DeSaussure, J. V. Lyles, J. A. Bradley, William E. Martin, C. F. McCay, T. C. Perrin, J. W. Tucker, and such other persons as may associate with them in manner hereinafter described, shall be a body politic and corporate, by the name of the "Southern Mutual Life Insurance Company."

Title.

Power to insure lives, etc.

II. That in addition to the general powers of a corporation, the said company hereby incorporated shall have power to insure lives, grant annuities, receive money on trust or deposit, and make any and every contract in which the risk of life or the interest of money shall be a part thereof; and also to accept and assume any life insurance risks that may have been already taken by any other company incorporated in this or any other State: *Provided, however,* That nothing in this charter shall be so construed as to authorize the issue of bank bills or a circulating medium of any kind whatsoever.

Real estate.

III. That the real estate which the corporation shall have a right to purchase, hold and convey, shall be what is needed for the transaction of its business, or what shall be mortgaged to it in security for loans, or what is conveyed to it or purchased by it in satisfaction of debts previously contracted; and the said corporation shall not hold or convey real estate in any other case or for any other purpose; and the whole amount at any time held, except by mortgage, shall not exceed fifty thousand dollars.

Policy to wife and children.

IV. That the said company shall further have the power to make the sum insured in any life policy payable to the wife or to the wife and children of the party insured; or to either, or to any of them, or to a Trustee for their benefit; and in these cases the sums insured shall be payable to said wife or wife and children, or either, or any of them, or to said Trustees for their benefit, as the case may be, free from the claims of the legal representatives of the party insured or of his creditors, or of any other person: *Provided,* That this exemption shall not apply when the annual premium shall exceed three hundred dollars.

Proviso.

Members.

V. That all persons who shall be insured in the said company shall be members thereof, and continue so while they are insured, and no longer.

Directors.

VI. That the corporate powers of the said company shall be exercised by a Board of Directors, and such officers and agents as said Board may appoint. This Board shall consist of twenty-four persons, all of whom shall be members of the company, and shall have power to declare, by by-law, what number less than a majority shall be a quorum for the transaction of business. The persons named in the first Section of this Act shall be the first Board of Directors, and shall continue in office to the end of the year one thousand eight hundred and fifty-five.

VII. That the annual meeting of this company shall be held in Columbia on the second Saturday of December in every year, when the Directors for the succeeding year shall be elected. In this election every member shall have one vote at least, and an additional vote for every thousand dollars insured above the first thousand, with the right of voting by proxy; but no one proxy shall have the right to represent more than one hundred votes.

A. D. 1854.

Meetings.
Election.

VIII. That every person insured in this company shall pay in advance the sum that may be required by the Directors, and the sums thus received, after paying the losses and expenses of the company shall be invested in the stocks issued by the United States or by the individual States, or in bonds and mortgages or unincumbered real estate, worth three times the amount loaned thereon, and no other member whatever, but the Directors may purchase any policy or other obligation issued by this company.

Insurers to
pay in advance.

IX. That the company shall be entirely mutual; its profits shall be regularly divided among its members, as the Board of Directors may prescribe; but no dividend shall be made except out of profits remaining on hand after a proper reservation shall be made to meet the future probable liabilities of the company.

Mutual.

X. That no member shall be liable for any amount except the premium provided for in his policy.

Liability.

XI. That no policy shall be issued by this company until application shall be received for insurance to the amount of five hundred thousand dollars.

Policy when
to be insured.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE MERCHANTS' MUTUAL INSURANCE COMPANY. No. 4197.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That J. S. Bowie, Wm. McBurney, W. A. Wardlaw, W. H. Gilliland, H. W. Conner, Frederick Richards, T. M. Horsey, P. C. Calhoun, John G. Crane, W. C. Dukes, J. D. Kirkpatrick, Henry Missroom, H. H. Williams, James H. Shepherd, and all other persons who now are, or hereafter may be associated with them in the manner hereinafter prescribed, be, and they are hereby, created and declared a body corporate and politic, by the name of the Merchants' Mutual Insurance Company.

Title.

II. That the said corporation shall, by their said name, and by the signature of their President for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity as they may from time to time, by their rules and by-

Powers.

A. D. 1854.

laws appoint and ordain, have the right to make contracts and underwrite policies of insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, joint profits, commission bank notes, bills of exchange, and other evidences of debt, bottomry, *respondentia* interests, and to make all and every insurance connected with marine risks, and risks of transportation, and navigation, and to make insurance on dwellings, houses, stores and all kinds of buildings, and upon household furniture, merchandise or other property against loss or damage by fire, and to re-insure all or any of said marine or fire risks.

Capital stock.

III. The capital stock of said company shall be two hundred thousand dollars, divided into eight thousand shares of twenty-five dollars each, and shall be raised in the following manner: The following persons, T. M. Horsey, W. C. Courtenay, Frederick Richards, J. D. Kirkpatrick and W. A. Wardlaw, shall be, and they are hereby, appointed Commissioners to receive subscriptions, and said Commissioners, or a majority of them, shall, at Charleston, on the fifteenth day of February next, and the two days following, from nine o'clock in the forenoon until five o'clock of the afternoon of each day, at such place in Charleston as they shall appoint, receive subscriptions to the capital stock of the said company from all persons offering to subscribe thereto, and paying at the time of subscribing, the sum of five dollars on each and every share subscribed for:

Proviso.

Provided, That the said Commissioners shall give at least ten days' notice, by advertisement in two daily gazettes published in the city of Charleston of the time and place of receiving such subscription, and such subscribers paying the subscription money respectively shall form the company above mentioned, upon complying with the conditions, and being subject to the clauses hereinafter set forth.

Shares.

IV. If more than eight thousand shares shall be subscribed, the Commissioners shall distribute the eight thousand shares, of which the capital stock of the said company is to consist, among the subscribers, as nearly as may be, in proportion to the number of shares subscribed by them respectively: *Provided, always*, That the subscriptions of five shares or less shall not be reduced, unless the whole number of shares subscribed cannot otherwise be reduced to eight thousand.

Proviso.

V. In case the number of shares subscribed in the days hereinbefore appointed for receiving subscriptions shall be less than eight thousand, the Commissioners shall receive further subscriptions, not exceeding such number of shares as, with those already subscribed, shall make up the number of eight thousand at any time during one year next following the fifteenth day of February.

Eight thousand shares necessary.

Shares may be sold.

VI. That if any proprietor of any share shall neglect or refuse to pay any instalment due thereon for the space of twenty days after the time appointed by the Board of Trustees for the payment thereof, due notice of which shall have been previously given by advertisement published for five consecutive days in at least two of the daily gazettes published in the city of Charleston, the Treasurer of the company may, by order of the Board of Trustees thereof, sell, at public auction, a sufficient number of any shares held by such defaulter to pay all instalments then due by him, to-

gether with the necessary and incidental charges and expenses; and the Treasurer shall give notice of the time and place of such sale, and of the sum due on such shares, by advertising the same for ten successive days previous to such sale in some daily gazette published in the city of Charleston, and the purchaser of such share or shares shall be entitled to have the same transferred to him on the books of the company, and shall be liable for all further instalments on said share or shares.

A. D. 1851.

VII. The said company, under its corporate name, shall have succession of officers and members and all the powers, privileges and franchises incident to a corporation, and shall be capable of taking, holding and disposing of their capital stock according to such rules or by-laws as they may establish, and also of taking, holding or disposing of, or investing, as the said company may from time to time deem fit, the increase, profits or emoluments of the said capital stock to their own use, and shall have full power and authority to make and have a common seal, and the same to alter at will, shall sue and be sued, implead and be impleaded in any court of law or equity in this State, and to make and establish such by-laws and regulations as may be for their advantage, and are not repugnant to the Constitution and laws of the land.

Privileges.

VIII. The said company shall have the right and power to purchase, acquire, take and hold, in their corporate name bonds and real estate, and the same to devise, grant, sell, assign and convey in fee simple or otherwise: *Provided*, The clear yearly income of the real estate so held shall not at any time exceed ten thousand dollars.

Real estate and bonds.

Proviso.

IX. That all the corporate powers of the said company shall be exercised by a Board of Trustees and such officers and agents as they may appoint. The Board of Trustees shall consist of not more than thirty-five nor less than thirteen persons, to be elected from the stockholders in the manner hereinafter prescribed; and shall continue in office for one year, or until others are elected in their stead. They shall annually elect a President, who shall be a member of the corporation, and the holder in his own right of at least fifty shares of the capital stock thereof. They shall have full power to fill all vacancies occurring in the Board of Trustees by death, resignation or otherwise, and to make such rules and regulations for the management of the affairs of the corporation as they shall deem expedient, subject to the limitation and restrictions contained herein, and in such by-laws as may from time to time be made by the stockholders. The Trustees shall, at their first meeting, proceed to the election of a President to serve for the ensuing year, and immediately thereafter shall divide themselves into four classes of one-fourth each. The term of the first class to expire at the end of the first year. The term of the second class to expire at the end of the second year. The term of the third class to expire at the end of the third year. The term of the fourth class to expire at the end of the fourth year. The vacancies occurring in the Board of Trustees by the expiration of the terms of these classes each and every year shall be filled by an election to be held on the first Monday of March in each and every year, due notice of the time and place of holding such election being previously given

Trustees to be elected.

Time of election.

A. D. 1854.

Proviso.

by advertisement published for two successive weeks in at least two of the daily papers of the city of Charleston: *Provided*, That nothing in this Section shall be construed to prevent the re-election of any Trustee whose term of office has expired.

Organization.

X. That whenever the subscription to the capital stock of the company shall amount to the sum of two hundred thousand dollars, the said Commissioners shall, by advertisement in the daily papers of the city of Charleston, call a meeting of the stockholders, who shall proceed to elect a Board of Trustees, who shall continue in office until the second Monday in January succeeding the election.

Votes.

XI. In all elections and other corporate acts done by the stockholders, each stockholder shall be entitled to one vote for every share of stock held by him; and every person having in possession a certificate or certificates of earnings in the marine department amounting to twenty-five dollars, and which shall not have been discharged by payment, or cancelled by losses, shall be entitled to one vote for every twenty-five dollars of each certificate or certificates.

Business.

XII. This company shall have power to receive notes for premiums in advance of such persons as may intend to receive its policies, as well as the usual premium notes for specific risks, and may negotiate such notes for the purpose of paying claims or otherwise in the regular transaction of business, but notes received in advance of premiums on open policies shall in no case be deemed liable for any losses that may accrue beyond the actual earnings on such policies.

Annual statements.

XIII. No separate marine dividend statement shall be required, but may be made for the part of the year following the day on which the company shall have issued and dated its first policy; but after that period, annual marine dividend statements shall be made, which shall contain a fair estimate of the net profits of the company, not before divided up to, and including the last day of December of each year, taking into view the probable amount to be paid on all claims and demands, which may have been, or may be, made against the company for marine losses, and allowing for previous deficiencies. Such annual statement shall be completed in the month of January succeeding the period to which it relates; and after ascertaining in this mode the net profits of each period on marine risks marked off, the Board of Trustees may declare a dividend, and the officers of the company may issue certificates of a certain per centum on the premiums received for such marked off marine risks, to the persons in whose names the policies of insurance were originally made, or their representatives; which certificates may be issued as is hereinafter provided for; and the amounts named in such certificates shall be conclusive on the parties entitled to receive them at such periods, and not to be changed by subsequent events showing the actual payments to be more or less favorable than the estimates; and the said certificates shall be transferable only on the books of the company under regulations to be prescribed by the by-laws, and shall contain a proviso declaring the same to be subject to any future losses and expenses of the company, until the same are redeemed as is hereinafter provided for, and subject to be reduced by the Board of Trustees in case of losses and

expenses in any subsequent year exceeding the estimated marine profits of said year. Holders of said certificates shall be entitled to six per cent. per annum on the amounts respectively held by them.

A. D. 1854.

XIV. The stockholders of the cash capital shall be entitled to all the earnings from fire risks, all the interest from investments of capital stock, and earnings in the fire department, and in addition thereto shall receive annually six per cent. on said capital from the marine department as guarantee or premium for guaranteeing all the marine and inland navigation risks taken by said company; but nothing herein contained shall be so construed as to render the capital stock of the company liable for said marine or inland navigation risks, until there shall occur an actual deficiency. It being understood that all losses in the fire department shall be borne by, and liquidated from, receipts of fire premiums and earnings of capital stock, and all marine losses, and losses on inland navigation, risks and expenses, shall be paid from earnings of the marine department; but should losses accrue beyond the actual earnings of the marine department, then the capital stock of the company shall be liable to make good such deficiencies.

Earnings.

XV. The profits arising from the prosecution of the business of marine and inland navigation insurance, after deducting all losses, proportionate share of expenses and guarantee to stockholders, shall be divided among the marine policy holders, in scrip bearing six per cent. interest per annum, but no certificates shall be issued for a less sum than ten dollars, nor for any sum between even tens of dollars; and all such fractional sums shall be passed to the credit of contingent account of the marine department of the company. All interests from investment of earnings of the marine department shall inure to the benefit of the marine department exclusively.

Profits.

XVI. When the accumulated earnings in the marine department shall amount to three hundred thousand dollars, the payment of the guarantee hereinbefore mentioned shall absolutely cease and determine, and thenceforth the capital stock of the company shall be wholly exempt from any claim for losses that may accrue under the marine or inland navigation policies of the company.

Guarantee.

XVII. It shall be lawful for the Trustees, when the accumulated earnings shall amount to three hundred thousand dollars, to apply all or any excess above that sum in redemption of outstanding certificates of scrip. The certificates first issued shall be first redeemed.

Redemption
of scrip.

XVIII. It shall be lawful for said company, from time to time, to divide such part of the accruing interest as they may deem equitable, not exceeding six per cent. per annum to and among holders of scrip certificates of profits, or, in case of marine losses, to declare a *pro rata* reduction of the amount of the outstanding certificates. Original certificates may be called in by the company and new ones issued in their stead, less the proper reduction. All certificates and interest shall be deemed personal property.

Dividends.

XIX. In case of any loss whereby more than one-third of the capital stock of the said company shall be lost during the continu-

Losses.

A. D. 1854.

ance of the charter, no dividend shall thereafter be made until the deficiency shall either be made up by the stockholders or by the company, or until a sum arising from the profits of its business equal to such diminution shall have been added to the capital.

Deficiencies.

XX. If the capital of said company shall become reduced by losses below two-thirds thereof, the deficiency shall be made up by the stockholders in six months after such reduction shall occur, and in default thereof the affairs of the corporation shall be wound up, and they shall cease to do business.

Liabilities.

XXI. If the affairs of the corporation are not wound up as directed in the preceding Section, and they should proceed to do business, then the President and Trustees shall be jointly and severally liable to make good all engagements of the company (incurred)

Proviso.

after the reduction of the capital as aforesaid: *Provided*, That nothing in this Section shall be so construed as to extend to any President or Trustee who shall dissent to the proceedings of the company in these particulars, and who shall enter his protest on the minutes of the Board, and publish the same in the daily gazettes of the city of Charleston, or who shall be absent from the State during the six months in which the deficiency of capital should have been made up.

How to be invested.

XXII. At least one-half of the capital of the said company shall be invested permanently in stock of this State, or of the city of Charleston, or of the General Government, or in any other good stocks of incorporated companies within this State, and the company may transfer and sell such stocks, or any part thereof, for the purpose of re-investment, whenever a due regard to the safety of its funds may require: *Provided, however*, That the company shall not deal or trade in buying or selling any goods, wares, merchandise, stocks or commodities whatever; and the other half of the capital may be invested in bonds, mortgages, or such other securities as the Trustees may approve.

Proviso.

Authority.

XXIII. The said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the affairs of the company, under such penalties as in and by the said rules and by-laws shall be limited and appointed, and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions and pleas, either at law or in equity, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the corporation.

When to commence.

XXIV. The company shall be, and are hereby, authorized to commence business, on satisfactory proof being furnished to the Comptroller General that one hundred thousand dollars cash capital, and premium notes to the amount of one hundred thousand dollars have been paid in, and the residue of the capital shall be called in at such time and in such manner as the Board of Trustees

Proviso.

may appoint: *Provided*, The whole shall be called in within one year after they have commenced business.

XXV. This Act to be deemed a public Act, and to continue in force for twenty-one years, and no longer.

A. D. 1854.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ABOLISH THE OFFICE OF TAX COLLECTOR FOR THE ELECTION DISTRICT OF WINYAW, AND FOR OTHER PURPOSES. No. 4193.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the expiration of the term of office of the present Tax Collector for the election District of Winyaw, the said office be, and the same is hereby, abolished.

Office abolished.

II. That the duties imposed upon, and the rights vested in, the Tax Collector for the election District of Winyaw be, and the same are hereby, vested in and imposed upon the Sheriff of Georgetown District.

Sheriff to act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE AND EMPOWER THE CITY COUNCIL OF CHARLESTON TO LEVY AND COLLECT TAXES ON THE REAL ESTATE OF BANKS WITHIN THE CORPORATE LIMITS OF SAID CITY. No. 4199.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the City Council of the city of Charleston to levy and collect taxes and assessments upon the banking houses, and all other real estate of banking companies, within the corporate limits of said city, after the like rate and in like manner as taxes and assessments are levied upon the real estate of other inhabitants of the city: *Provided*, That nothing

Taxes.

Proviso.

A. D. 1854. herein contained shall affect such banks as are exempted by their charters from taxation during the period of such exemption.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4199½. AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF THE ORPHAN HOUSE OF CHARLESTON TO SELECT THE NUMBER OF YOUTHS THEREIN MENTIONED, FROM THOSE EDUCATED AND MAINTAINED ON THE BOUNTY OF THAT INSTITUTION, WHO SHALL BE ALLOWED TO COMPLETE THEIR EDUCATION AT THE MILITARY SCHOOLS ESTABLISHED BY THIS STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the Commissioners of the Orphan House in the city of Charleston shall be, and they are hereby, authorized and empowered to select, once in every four years, two youths from the number educated and maintained on the bounty of that institution, for the purpose of completing their education at the military schools established by this State, and graduate therein: *Provided*, That it does not increase the number to which Charleston District is now entitled.

II. That the Board of Visitors, the Superintendents and Professors of the said military schools shall be, and they are hereby, directed to receive and cause to be educated and allowed to graduate at the said military schools, the youths to be selected as aforesaid; subject, nevertheless, to all the rules, orders and regulations of the said military schools.

III. That all expense incident to the education and maintenance of the said youths so to be selected, shall be defrayed from the amount annually appropriated by the Legislature to the said military schools.

IV. That as the youths so chosen shall graduate, or in case of the death, expulsion or removal of them, or any of them, the Commissioners aforesaid are hereby authorized and empowered to fill up any vacancy occasioned thereby.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED.

A. D. 1851.
 No. 4200.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or hereafter may become, members of the following religious societies, and societies for the advancement of education, to wit: Liberty Meeting House; Cross Roads Baptist Church, in Newberry District; Barker's Creek Church; Grace Church, Anderson; Providence Church, of Abbeville District; Lebanon Church, in Abbeville District; Bush River Baptist Church, in Newberry District; Beth Eden Lutheran Church; Goodhope Church, in Anderson District; Christ Church, Charleston; St. Peter's Church, Chesterville; Church of the Mediator, in the city of Columbia; The Young Men's Christian Association, of Charleston; The Newberry District Bible Society; The Cheraw Academical Society; Claremont Academy; Fourth Baptist Church, Charleston; Charleston Baptist Association; The Saluda Baptist Association; The Baptist Church at Bennettsville, and the Baptist Church at Salem, in Marlborough District, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each hereinbefore respectively assigned.

Titles.

II. That the said churches, societies and associations shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws, and shall have power respectively to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of fifty thousand dollars.

Powers.

Proviso.

III. That the charters of the Baptist Church of Christ, at Darlington Court House; Elizabeth Baptist Church, in Chesterfield District; St. Paul's Church, Stono; the Charitable Society of Charleston Riflemen; the Firemen's Charitable Association, of Charleston; First Presbyterian Church, in the town of Columbia; Fairfield Church, in Fairfield District; Medical College of the State of South Carolina, and Wentworth Street Baptist Church, Charleston, be, and the same are hereby, renewed, with all the rights, powers and privileges heretofore granted to them respectively; and all acts done by any of the said corporations, in accordance with their respective charters, since their expiration, be, and the same are hereby, allowed to be legal and valid.

Charters renewed.

IV. That the second Section of an Act entitled "An Act to incorporate certain societies and companies, and to renew and amend

St. Thaddeus' Church.

A. D. 1854.

certain charters heretofore granted," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-three, be, and the same is hereby, amended, so that hereafter the Vestry and Wardens of St. Thaddeus' Church, at Aiken, shall be annually chosen by the congregation of the said church, in conformity with the usage and customs of other congregations of the Protestant Episcopal Church, in this State.

Liberty Meet-
ing House.

V. That D. M. Rogers, P. B. Moragne, Joseph Bouchillon, Alexander Larimore and Peter Guillebeau, be, and they are hereby, appointed Commissioners of Liberty Meeting House, in Abbeville District, with authority to lay out a parcel of four acres (including the spring) and to establish the lines between the said parcels and the adjoining landholders, according to the terms and conditions of the last will and testament of Pierre Moragne, senior. That the charter of the Clarisophic Society shall be, and the same is hereby, renewed for the term of fourteen years, with all the rights, powers and privileges heretofore granted to said society. That the charter of the State Convention of the Baptist denomination in South Carolina be renewed, with all the rights, powers and privileges heretofore granted. That the charter of the Sumterville Baptist Church be, and the same is hereby, renewed for the term of fourteen years, with all the rights, powers and incidents heretofore granted to it. That the charter of the Baptist Church of Bethel, of Claremont, be, and the same is hereby, renewed for the term of fourteen years, with all the rights, powers and incidents heretofore granted to it.

The Smyrna
Church.

VI. That Joseph T. Baker, James M. Latimer, C. F. Latimer, James M. Young, C. P. Allen, R. M. Davis, A. Mauldin, B. D. Kay and W. C. Cosby, and their associates and successors, be, and the same are hereby, declared and constituted a body corporate and politic, by the name and style of "The Trustees of the Smyrna Church and Camp Grounds," in Abbeville District, for the term of twenty years; the corporate limits of said camp ground to extend one mile from the said Smyrna Church, with the right to have and hold real and personal property to the amount of ten thousand dollars.

Presbyterian
Church of Ab-
beville.

VII. That Robert H. Wardlaw, Robert A. Fair, Benjamin P. Hughes, James M. Perrin, and their associates and successors, be, and the same are hereby, created and declared a body politic and corporate, by the name and style of "The Presbyterian Church, of Abbeville," in Abbeville village, for the term of fourteen years, and the said corporation shall have power to have and to hold real and personal property to any amount not exceeding fifteen thousand dollars.

Public Act.

VIII. That this Act is hereby declared to be a public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS.

A. D. 1854.

No. 4201.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the officers and members of the following societies, associations and companies, to wit: The Saint Paul's Agricultural Society; Orangeburg Lodge, No. 28, Ancient Free Masons; the Yorkville Lodge, No. 3, Knights of Jericho; Sumter Division, No. 12, of the Sons of Temperance; Orangeburg Fire Engine Company; Walterboro Ice House Company; Calhoun Lodge, No. 1, Knights of Jericho; St. George's Division, No. 16, Sons of Temperance, and Aiken Fire Company; No. 1, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each of them hereinbefore respectively assigned.

Titles.

II. That the said societies, associations and companies, according to their respective by-laws, shall have succession of officers and members, and shall have power respectively to make by-laws not repugnant to the laws of the land; and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court of this State, and to have and enjoy every right, power and privilege incident to such incorporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of ten thousand dollars.

Powers.

Proviso.

III. That the charter of the South Carolina Paper Manufacturing Company be so amended as to permit the said company to increase their capital stock from sixty thousand to one hundred thousand dollars, and to hold property to the amount of one hundred and fifty thousand dollars.

Paper Manufacturing Company.

IV. That the charter of the Charleston Floating Dry Dock and Marine Railway Company be so amended as to permit the said company to reduce their capital stock from one hundred and twenty thousand dollars to any sum not less than fifty thousand dollars, and to divide the surplus among their stockholders: *Provided*, Three months' previous notice be published in one of the newspapers in the city of Charleston, and all the debts and liabilities of the company be first paid off and discharged.

Charleston Floating Dock.

Proviso.

V. That an Act entitled "An Act to incorporate the South Carolina Insurance Company," passed on the eighteenth of December, Anno Domini, one thousand eight hundred and forty-six, be, and the same is hereby, amended so that whenever the surplus over and above the capital stock of the said company shall amount to the sum of fifty thousand dollars, and be invested according to its charter, then the said company shall be, and they are hereby, authorized to appropriate any excess so accumulated amongst the stockholders, rateably and in proportion to the number of shares that each may hold at the time, as an *extra dividend*: *Provided*, That the invested

Surplus.

Proviso.

A. D. 1854.

surplus shall never be reduced below the sum of fifty thousand dollars, but to be reserved for the payment of losses and to equalize dividends.

Edgefield and
Chatham
Plank Road.

VI. That the stockholders of "The Edgefield and Chatham Plank Road Company," be, and they are hereby, authorized and empowered to increase the capital stock of said company from eighteen thousand dollars to any sum not exceeding twenty-five thousand dollars.

Calhoun Mon-
ument Associa-
tion.

VII. That the Calhoun Monument Association, of the Military and Fire Department of the city of Charleston, be, and they are hereby, incorporated and declared a body politic and corporate. The said society, according to its by-laws, shall have succession of officers and members, and shall have power to make by-laws not repugnant to the laws of the land, and to have and to use a common seal, and the same to alter at will; to sue and be sued in any court of this State, and to have and enjoy every right, power and privilege incident to such incorporations; and may hold, possess and enjoy all such property, real and personal, as it may now possess or be entitled to, or which shall hereafter be given, bequeathed or devised to it, or in any manner acquired by it; and to sell, alien and transfer the same or any part thereof: *Provided*, The amount of said property shall not exceed in value the sum of one hundred thousand dollars.

Proviso.

South Caro-
lina Cordage
Company.

VIII. That John Heart, G. H. S. Duffus, Wm. C. Gatewood, Alfred R. Drayton, William S. Monefeldt, C. M. Beach, and their successors, be, and the same are hereby, incorporated and declared a body corporate and politic, by the name and style of "The South Carolina Cordage Company," with a capital of fifty thousand dollars, in shares of five hundred dollars each, and the privilege of increasing their capital to one hundred thousand dollars.

The Palmetto
Building and
Loan Associa-
tion.

IX. That A. F. Browning, M. W. St. Arnaud, A. L. Tobias, F. L. Phelps, T. Symes, V. J. Tobias, their associates and successors, shall be, and the same are hereby, incorporated and made and declared a body corporate and politic, in deed and in law, by the name and style of "The Palmetto Loan and Building Association," with all the rights, powers and privileges, and subject to the same conditions as have been imposed on "The Charleston Building and Loan Association."

Charleston
Fire Engine
Company.

X. That "The Charleston Fire Engine Company," be, and the same is hereby, re-chartered, with all the rights, powers and privileges heretofore granted to said company.

Greenville
Academies.

XI. That the Trustees of the Greenville Academies have leave, and they are hereby authorized to convey their land, and surrender their trust and charter to the Trustees of the Furman University, and the Trustees of the said University are hereby authorized and empowered to accept the same, on the condition that they carry out the original trust in regard to the said Greenville Academies, and keep up, in all time to come, a male and female school, at or near Greenville Court House, where all the studies may be pursued which are usually taught in male and female academies.

XII. That the fifth Section of an Act to incorporate the Firemen's Insurance Company, passed the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two,

be, and the same is hereby, repealed. That George Robinson, H. Bowdrill Jackson, R. W. Owings, W. W. Sale, and their associates and successors, be, and are hereby, declared a body corporate and politic, under the name and style of "The Hamburg Building and Loan Association," with a capital stock to consist of one thousand shares, each share of one hundred dollars, with all the rights, powers and privileges, and subject to the same conditions as have been imposed on "The Charleston Building and Loan Association."

A. D. 1854.

The Hamburg Building and Loan Association.

XIII. That Randal Craft, Micajah Harris, John Matthis, Joseph Wyse, and their associates and successors, shall be, and they are hereby, declared to be a body politic and corporate, for the purpose of constructing a bridge across the Saluda River, at or near Carradine Ford, formerly called Perkins' Ford, by the name and style of "The Carradine Bridge Company." That the capital stock of said company shall be the sum of ten thousand dollars, to be divided into shares of twenty dollars each; and that each share shall entitle the holder thereof to one vote at all meetings of the company: *Provided, however,* That whenever the sum of three thousand dollars is subscribed the said company may be organized. That books of subscription to the capital stock of said company shall be opened at Newberry Court House, or some other convenient place in Newberry District, on the first Monday in March next, by Micajah Harris, Randall Croft and John Matthis, and at Edgefield Court House, or some other place in Edgefield District, on the same day, by Joseph Wyse, George Addy and Arthur Dozier, and shall be kept open for the space of sixty days. That the said company, by its name aforesaid, shall have succession of officers and members, shall have power to sue and be sued, plead and be impleaded, in any court of law or equity within this State, and shall make all such rules and regulations for the government of said company, as the stockholders thereof may deem necessary: *Provided,* The same be not inconsistent with and repugnant to the laws of the land. And, also, shall have authority to charge the same rates of toll as have been heretofore allowed for Higgins' Ferry across the same river.

The Carradine Bridge Company.

Proviso.

Proviso.

XIV. That this Act shall be taken and deemed a public Act, and shall continue in force for fourteen years.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF HAMBURG TO SUBSCRIBE TO THE CAPITAL STOCK OF CERTAIN RAILROAD COMPANIES THEREIN MENTIONED, AND FOR OTHER PURPOSES. No. 4202.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1854.
 Authority to
 subscribe.

same, That the Town Council of Hamburg be, and it is hereby, authorized and empowered to subscribe to the capital stock of the "Savannah River Valley Railroad Company," or in its discretion to the said company and the "Columbia and Hamburg Railroad Company," in equal proportions, the sum of thirty thousand dollars, in addition to the amount heretofore authorized by law; and for the payment of the said additional subscription and the interest that may accrue thereon, the said Town Council is hereby invested with all the powers and privileges, and subjected to all the duties, restrictions and liabilities that are given and imposed as to the subscription heretofore authorized and provided by law.

Taxes.

II. It shall be the duty of the Town Council, by just and equal taxation upon the property of the inhabitants of the said town, to make provision for the payment of the interest and principal of the said bonds as they respectively become payable; and in case of default of payment, either of interest or principal, any bondholder shall have the right to obtain from any of the Judges of the Court of Common Pleas, either in term time, or at chambers, a *mandamus* to compel the execution of the said duty; the costs whereof shall be paid by the Town Council.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4203. AN ACT TO AMEND THE CHARTER OF THE BANK OF THE STATE OF SOUTH CAROLINA.

Amendment.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January next "The President and Directors of the Bank of the State of South Carolina," shall make no loan or discount, nor enter into any contract, obligation or engagement, nor appoint nor employ any officer or agent without the express concurrence of the President, or, in case of his sickness or necessary absence, of the Director whom he, by writing under his hand, shall have nominated to supply his place, or of the temporary President appointed by the Board of Directors in default of such nomination by the President, or in case of the sickness or necessary absence of the person nominated; and such concurrence shall be evidenced by the signature of the President or his substitute, nominated or appointed as aforesaid, subscribed to the minutes of the meeting of the Board of Directors at which such loan, discount, contract, obligation, engagement, appointment or employment shall have been considered and determined on.

II. It shall not be lawful for the Board of Directors of any branch of the said bank to do any of the acts aforesaid, without

the express concurrence of the President of such branch, or his duly appointed substitute, which concurrence shall be evidenced in the same manner as is expressed in the foregoing Section.

A. D. 1854.

Concurrence
of President.

Salary.

III. That the President of the Bank of the State of South Carolina shall receive the sum of four thousand dollars in lieu of the salary now allowed that officer by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT TO INCORPORATE THE FIREMAN'S INSURANCE COMPANY OF CHARLESTON, PASSED THE SIXTEENTH DAY OF DECEMBER, A. D. 1852. No. 4204.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fifth Section of an Act to incorporate the Fireman's Insurance Company, passed the sixteenth day of December, A. D. 1852, be, and the same is hereby, repealed.

Fifth Section
repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE NORTH-EASTERN RAILROAD COMPANY." No. 4205.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first Section of an Act entitled "An Act to incorporate the North-Eastern Railroad Company," passed the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, be, and the same is hereby, amended, so as to read as follows: That full power and authority is hereby vested in the North-Eastern Railroad Company to complete the line of their railroad from the present location of their depot to the limits of the city of Charleston, (provided the consent of the City Council be first had and obtained thereto,) under the same terms and in the same manner as they are permitted by their charter to construct the same elsewhere: *Provided*, That nothing herein contained shall

Amended.

Proviso.

A. D. 1854.

be construed or understood to declare or explain the true intent and meaning of the said first Section of the said Act, or to affect the rights of any party to any action or suit at law or in equity now pending, but all such cases shall be adjudged and determined as if this Act had not been passed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4206. AN ACT TO INCORPORATE THE SOUTH CAROLINA SAVING AND BUILDING ASSOCIATION.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That P. Weber, J. Meitzler, C. Otten, and L. Lubeken, together with other persons who now are or hereafter may be associated with them, be, and they are hereby, declared a body politic and corporate, for the purpose of making loans of money, secured by mortgage of real estate and personal property, for the benefit of their members and stockholders, by the name and style of "The South Carolina Saving and Building Association;" the capital stock of which shall consist of twenty-five shares, to be paid by successive weekly instalments of one dollar on each share, as long as the corporation shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for default in their payments, according to such regulations as may be prescribed by the by-laws of said corporation.

II. That the said corporation shall have such number and succession of officers and members as shall be ordained and chosen, according to the rules and by-laws made or to be made by them for their government, and shall have power and authority to make any such rules or by-laws as are not repugnant to the Constitution and laws of the land; and shall have and keep a common seal, and alter the same at will, and shall sue and be sued, plead and be impleaded, in any court of law or equity in this State, and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

III. That the funds of the said corporation shall be invested in real estate, or loaned and advanced to the members and stockholders, upon the security of real or personal estate, in such manner, on such terms, and under such conditions, and subject to such regulations as may from time to time be prescribed by the by-laws of said corporation.

IV. That whenever it shall so occur that the funds of the said corporation shall accumulate and remain unproductive, the corpo-

ration may loan what may be on hand to others than stockholders and members, at a rate not exceeding seven per cent.

A. D. 1854.

V. That immediately after the expiration of ten years from the present time the assets of the said corporation shall be fairly and justly divided among the stockholders and members thereof; and upon this distribution and division, then this corporation shall cease and determine.

Dividend.

VI. That this Act shall be deemed a public Act, and be given in evidence without being specially pleaded.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE AID TO THE BLUE RIDGE RAILROAD IN SOUTH CAROLINA. No. 4207.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory proof is produced to the Comptroller General, within two years after the passing of this Act, that one million of dollars have been subscribed by responsible persons, companies or corporations, to the capital stock of the Blue Ridge Railroad Company, in South Carolina, he is hereby authorized and required to subscribe, on behalf of the State, the sum of five hundred thousand dollars; and when satisfactory proof is produced of a further subscription, by responsible persons, companies or corporations, of five hundred thousand dollars, and also that at least one-fifth of the subscribed capital of the company is held by responsible individuals or private corporations, then the Comptroller General is authorized and required to subscribe, on behalf of the State, the further sum of five hundred thousand dollars. And on thus subscribing, the Comptroller General shall take from said company certificates of such an amount of shares in said capital stock as the State shall be entitled to by her said subscription.

State to subscribe.

When.

II. That the State shall in no way whatever, on account of this subscription, be liable for the debts, or contracts, or assessments of the said railroad company.

State not to be liable for debts.

III. That the State shall have the same rights in the company and in its management as is reserved to private shareholders; and the General Assembly shall at all times have authority to examine into its condition; and the said company shall annually submit to the General Assembly a report exhibiting the condition of its affairs and its prospects.

Authority of the State.

IV. That the subscriptions shall be paid in the manner and subject to the terms and conditions hereinafter expressed.

Manner of paying subscriptions.

V. That the Governor of the State of South Carolina be, and he is hereby, authorized and directed, in the name of the said State, to

Governor to issue bonds.

A. D. 1854.

issue bonds, to be countersigned by the Comptroller General, not exceeding in all the sum of one million of dollars, which shall be payable in five instalments of two hundred thousand dollars each, the first instalment to be payable after the expiration of twenty years, and the remaining eight hundred thousand dollars in four equal annual successive instalments thereafter: *Provided*, That the Governor and Comptroller General may pay for the aforesaid subscriptions, in cash, or in the above bonds, at par, as they shall deem best: *Provided, also*, That the interest to be paid on such bonds shall not exceed the rate of six per centum per annum.

Proviso.

Proviso.

When State
subscription is
to be paid.

VI. That whenever satisfactory proof shall be produced to the Comptroller General that the sum of two hundred thousand dollars has been paid in by the shareholders, and expended in the construction of the road, he shall pay to the said company, on behalf of the State, a like sum of two hundred thousand dollars; and for every like sum so paid in and expended by the shareholders, he shall pay to the company two hundred thousand dollars, and so on until the whole subscription of one million dollars shall be exhausted.

VII. That the faith and the funds of the State of South Carolina be, and the same are hereby, pledged to secure the punctual payments of any contracts which shall be made for borrowing money by the Blue Ridge Railroad Company, in South Carolina, from any person or persons, company or companies, corporation or corporations, to any amount not exceeding one million dollars, either in the United States or in Europe, and when such contracts shall be made by bond or bonds, signed by the President of the company, under its seal, and countersigned by the Secretary or Treasurer thereof, it shall be the duty of the Comptroller General of this State to endorse thereon that the faith and funds of the State of South Carolina are pledged to the faithful performance of the said contract or contracts, as it respects the punctual payment both of the principal and interest, according to the terms of the said contract or contracts: *Provided*, That the interest to be made payable thereon shall not exceed seven per cent. per annum, in quarterly or half yearly payments, and the said bonds, so endorsed, shall be not sold or issued below the par value thereof, or if so sold or issued below their then par value, the endorsement thereon shall be void: *And provided, also*, That the Comptroller General shall not endorse any such contract or contracts until satisfactory proof is produced to the Governor of the State, or the Comptroller General, that five hundred thousand dollars are duly subscribed by responsible persons, companies or corporations, to the capital stock of the said Blue Ridge Railroad Company, in South Carolina: *And provided, further*, That such endorsement shall not be made until the Governor or Comptroller General shall have satisfactory proof that such subscriptions have been made or aid furnished to other railroad companies in North Carolina and Tennessee, designed to connect the said Blue Ridge Railroad with the Georgia and East Tennessee Railroad, as shall give reasonable assurance of the construction of the said North Carolina, Georgia and Tennessee Railroads, nor until the said contract or contracts, bond or bonds, have been secured by mortgages of the whole estate, property and funds within the State, which the said company may then possess or shall afterwards ac-

State endorsement.

Proviso.

Proviso.

Proviso.

Other com-
panies to sub-
scribe.

A. D. 1854.

quire, the whole estate, property and funds within the State of Georgia which the Blue Ridge Railroad, chartered by the said State of Georgia may then possess, or shall afterwards acquire; the whole estate, property and funds within the State of North Carolina, which the Tennessee River Railroad Company, chartered by the said State of North Carolina, may then possess, or shall afterwards acquire; and the whole estate, property and funds within the State of Tennessee which the Knoxville and Charleston Railroad Company, chartered by the said State of Tennessee may then possess or shall afterwards acquire, saving and excepting so much of said estate, property and funds lying within the State of Tennessee, as may be subject to the lien now existing in favor of said State, not exceeding the sum of nine hundred thousand dollars, which mortgages may also secure, in equal number and without any priority or preference, other bonds of the said Blue Ridge Railroad Company, of South Carolina, not exceeding in the whole two millions five hundred thousand dollars: *Provided*, That nothing herein contained shall be construed to prevent any of the said companies from applying any of the proceeds of the loan so made by them, and the instalments which may be called for and paid in on the stock of the said companies for the purpose of constructing, equipping and working their respective roads, and for no other purpose, except to pay the interest on the said loan or loans and the ultimate extinguishment of the principal thereof: *And provided, further*, That so long as no part of the principal of the debt of the company, under the contracts aforesaid, shall be due and unpaid it shall be lawful for the said company to divide among their respective stockholders their surplus net income after payment of the interest due upon the said debts: *And provided, further*, That the Comptroller General shall not endorse, as aforesaid, any such bond or bonds until the stockholders in the said Blue Ridge Railroad Company, of South Carolina, shall have paid in two hundred and fifty thousand dollars, and the same shall have been expended in the construction of their road; whereupon the Comptroller General shall be authorized to endorse such bonds to an amount not exceeding five hundred thousand dollars; and when two hundred and fifty thousand dollars more shall have been paid in by the stockholders and expended as aforesaid, he shall be authorized to endorse such bonds to the further amount of five hundred thousand dollars.

Proviso.

Proviso.

Dividends.

Proviso.

Comptroller, when to endorse.

VIII. That the thirteenth and fourteenth Sections of an Act entitled "An Act to incorporate the Blue Ridge Railroad Company, in South Carolina," be, and the same are hereby, repealed.

Sections repealed.

IX. That from and after the twenty-first day of January next, no person shall be President or a Director of the said Blue Ridge Railroad Company, in South Carolina, who is not the *bona fide* owner, for himself, and in his own right, of at least five thousand dollars of the capital stock of the said company.

President or Director to own stock.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1854.
No. 4208.

AN ACT TO PRESCRIBE THE MODE AND TERMS UPON WHICH THE CITY COUNCIL OF CHARLESTON MAY SUBSCRIBE TO THE CAPITAL STOCK OF RAILROADS, PLANK ROADS AND CANAL COMPANIES, AND TO CONFIRM THE SUBSCRIPTIONS HERETOFORE MADE BY THEM.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful hereafter for the City Council of Charleston to subscribe to the capital stock of any railroad, plank road, or canal company, unless the following terms and conditions be observed and complied with: 1st. A resolution declaring the intention of the said City Council to subscribe to the stock of the particular company, specifying the number of shares and amount to be subscribed, shall first be passed at a regular meeting of the said City Council by a majority of the whole body. 2d. That the resolution of the said City Council of their intention to subscribe to the stock of such company be published in all the daily newspapers of the said city, with a notice calling upon the citizens to meet at the City Hall, in the day time, at a certain day named in the said notice, to consider the propriety of submitting the measure proposed to a direct vote of all the citizens of the said city. 3d. That a majority of the citizens assembled in such meeting, or at an adjourned meeting thereof, shall determine by resolution, after full and free discussion, to submit the said measure proposed to them to a direct vote of all the citizens of the said city. 4th. That when a majority of the citizens assembled at such meeting have resolved to submit the measure proposed to the direct vote of the voters, the City Council shall order and give notice in all the daily newspapers of the said city, (which notice shall be published at least seven days before,) that the Managers of elections of the said city will open and hold polls at their usual places in the said city, and between the usual hours for holding elections therein, on a certain day to be named in the said notice, not earlier than ten nor later than fifteen days after the meeting of citizens have resolved to submit the proposed measure to the direct vote as aforesaid. And the Managers of elections in the said city, on the day named in the said notice, shall open the polls at the proper places, and between the proper hours, and receive the votes of all persons entitled to vote in the said city for Mayor and Aldermen; those persons approving of the measure to vote, each, one printed or written ballot with "Aye" thereon, and those opposed voting similar ballots with the word "No" thereon; and the said Managers of election shall, as soon as practicable after the said votes have been taken, count the said ballots and return the state of their polls and the result to the said City Council in writing, which return shall be published in all the daily newspapers of the said city. If the vote be in favor of the subscription proposed by the said City Council, then, and not otherwise, it shall be lawful for the said City Council to authorize such subscription to be made by the Mayor in behalf of the said city by his signature only, without the corporate seal. 5th. No meeting of citizens of the said city shall be convened by the City Council, according to the provisions of the second and third clauses of articles

Conditions.

Polls to be opened.

hereinbefore prescribed, until a survey or recognizance of the route of the road or canal shall have been made by competent Surveyors and Engineers, and the result, together with proper estimates of the probable cost of the road or canal, shall have been made and published in all the daily newspapers of the said city for at least thirty days before the said meeting is held. 6th. The said City Council shall not subscribe to any railroad, plank road, or canal company more than one-fourth part of the capital stock or number of shares of the said company.

A. D. 1854.

II. That hereafter it shall not be lawful for the said City Council to endorse or guarantee the notes, bonds or other obligations, or accept the drafts of any railroad, plank road, or canal company, but it shall and may be lawful for the said City Council subscribing to the stock of any railroad, plank road, or canal company, according to the provisions and in the mode hereinbefore declared and prescribed, to make and issue bonds or scrip for stock not bearing more than seven per centum interest per annum, payable yearly or half yearly, and the principal payable or redeemable not longer than twenty years after the making or issuing of such bonds or scrip, for the purpose of raising money to meet the payments or instalments of the subscriptions to the railroad, plank road, or canal company made by the said City Council.

When to endorse a guarantee.

III. That all subscriptions heretofore made by the said City Council to any railroad, plank road, or canal company, whether such company be within or without the limits of this State, and all bonds heretofore issued by them for the purpose of raising money, are hereby fully authorized and confirmed and declared to be obligatory in law upon the said City Council and city; but the said City Council shall hereafter subscribe to no railroad, plank road, or canal without the limits of this State, unless thereunto specially authorized and empowered by the Legislature of this State, otherwise such subscription shall be null and void, and of no legal obligation.

Previous subscriptions authorized.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GEORGETOWN. No. 4209.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act incorporating the town of Georgetown be so amended that the Town Council of Georgetown be, and they are hereby, authorized to establish a guard or police for the better security and regulation of the said town; and to pass such ordinances

Powers of the Town Council.

A. D. 1854.

as they may deem expedient to define the duties, fix the compensation, and impose fines and penalties for neglect or improper discharge of duties of said guard, and generally to perform all acts necessary and proper to effectuate the intention of this Act, and make and establish all rules and orders relative to said guard, not inconsistent with the laws of the land.

Patrol duty.

Tax.

Provido.

Provido.

Provido.

Provido.

II. That for the purpose of defraying the expenses of said guard, the said Town Council shall have full power and authority to compound with persons liable to patrol duty in the said town, for the payment of an annual tax, not exceeding five dollars, in lieu of the performance of such duty; and all persons refusing or failing to pay such tax, shall be liable to patrol duty, and for the non-performance thereof, to such fines and penalties as are now provided by law. And for the purpose aforesaid, they shall have full power and authority, also, annually to lay and collect a tax not exceeding five dollars on each free male inhabitant of said town of the age of twenty-one years or upwards, who shall not be a freeholder within the same, or whose taxes upon personal property as hereinafter prescribed shall not exceed the sum of five dollars: *Provided*, He shall have resided within the said town for the three months next preceding the period at which the said tax shall be laid; also, a tax on all slaves within the town, or employed within the town, over twelve years of age, not exceeding fifty cents each; on every coach or other carriage, kept for hire, having four wheels and drawn by two horses or more, a tax not exceeding five dollars; on every coach or carriage, kept for hire, having four wheels, and drawn only by one horse, a tax not exceeding three dollars; on every two wheel chaise, chair, sulkey, or other carriage, kept for hire, a tax not exceeding two dollars; on every horse and mule, kept for hire, a tax not exceeding one dollar; on every coach or other carriage, not kept for hire, having four wheels and drawn by two horses or more, except as hereinafter provided, a tax not exceeding three dollars; on every coach or carriage, not kept for hire, having four wheels and drawn only by one horse, a tax not exceeding two dollars: *Provided*, That where more than one four wheel coach or carriage, not kept for hire, may be owned by any person who may own not more than a pair of horses, such person shall not be liable to a tax on such additional coach or carriage; on every two wheel chaise, chair, sulkey, or other carriage, not kept for hire, a tax not exceeding one dollar; on every horse and mule, not kept for hire, except such as are used in licensed carts and drays, that is, two horses or mules for each licensed double cart or dray, and one horse or mule for every other licensed cart or dray, a tax not exceeding one dollar: *Provided, nevertheless*, That where any of the above mentioned property, with the exception of slaves, may be owned by Clergymen or Ministers of the Gospel, such property shall not be subject to the taxes hereby imposed; on every dog, kept by any person, or on his premises, a tax not exceeding one dollar: *Provided*, That where any person shall own or have on his premises more than one dog, every such additional dog shall be subject to a tax of three dollars.

III. Any person having or possessing any property liable to the payment of a town tax, either on his own account or as executor,

administrator, guardian, trustee, attorney, or otherwise, having the charge or management of any taxable property within the town, or of any person deceased, absent, or under age or otherwise, shall, on or before the fifteenth day of April, in each and every year, deliver a true and just return of all such property to the Clerk of the said town, at his office, and then and there to take the following oath before the said Clerk, or a Magistrate duly qualified to administer such oath: "I, A. B., do solemnly swear, (or affirm, as the case may be,) that the return which I now give in contains a just and true account of all the real and personal estate subject to taxation, which, on the first day of March, (in the then current year,) was or were in my possession, for or on my own account, or on account of any other person whomsoever, either as executor, administrator, guardian, trustee, attorney, agent or otherwise, and that no more of said property, than is represented, is in anywise belonging to any person or persons resident in a foreign country—so help me God." Every person taking such oath, shall subscribe the same on each return made by him or her, and deliver the same to the Town Clerk. No return shall be received from any one, of the property of another person, except in the character of executor, administrator, guardian, trustee, attorney, or agent, and that the return be made conformably with this Act.

A. D. 1854.

To make a true return of property.

Oath.

IV. If any person, being the owner, or having the charge of, or holding any taxable property within the town aforesaid, and who may or shall be required by this Act to make a return thereof, on failure or neglect to make such a return at the time and in the manner herein prescribed; or if any person shall, in any return to be made as aforesaid, omit any house, building, lot or wharf, slave or slaves, with the names of such slaves; coach or other carriage, horse or horses, or other property liable to a tax; or shall by a false return prevent a full assessment to which such property, if duly and fairly returned, would have been liable, every such person shall be doubly taxed.

Penalty.

V. That all slaves brought into the said town after the first day of March in each and every year, and held and possessed therein for three months in the year, shall be liable to the same tax as if within the town on the first day of March preceding; and the owner or possessor of such slaves, if not included in the annual return, shall, at the expiration of the said three months, return the same to the Town Clerk, and pay the tax thereon to the Town Treasurer within ten days after making the return, and in default of such return or payment, the owner or possessor of such slaves shall be subject to the same penalty and execution, and be proceeded against in the same manner as provided for in the several clauses of this Act for the return and collection of town taxes.

Slaves if held in town three months to be taxed.

Penalty.

VI. That the said Town Council shall have full power and authority to appoint three freeholders of the said town to assess the value of real estate therein, upon oath, and to return the same to the said Town Council for taxation; and to fill any vacancy occasioned by death, resignation, refusal to serve, removal from office, or otherwise, of the said Assessors; and if any person on being appointed Assessor shall refuse to act as such he shall pay to the Town Council, for the use of said town, the sum of twenty dollars.

Assessors.

A. D. 1854.

To enforce
payment of the
taxes.

VII. That the said Town Council shall have full power and authority to enforce the payment of all taxes and assessments levied by the said Council against the property and persons of defaulters to the same extent and in the same manner as is provided by law for the collection of the general State taxes, except that the execution shall be directed to the Marshal or Chief of Police of said town, and be issued by the Treasurer thereof, under the corporate seal of the said town.

Former Acts
repealed.

VIII. That all Acts or parts of Acts in relation to the Town Council of Georgetown, repugnant to this Act, be, and the same are hereby, repealed.

Fire masters.

IX. That the Town Council of the town of Georgetown, be, and the same are hereby, authorized to appoint a Board of Fire Masters, consisting of five citizens of the said town, whose duty it shall be to attend all fires and take charge of and assume the direction of the several fire companies within the corporate limits of the said town, and shall be subject to such penalties, for refusing to serve, or neglect of duty, as the said Town Council may inflict.

Authority.

X. That the said Board of Fire Masters shall have authority to command all persons, whether such persons are attached to a fire company or not, to assist and serve, during the prevalence of any fire, in subduing the same, with power on the part of the Town Council to fix fines and penalties on such person or persons as shall refuse or neglect to assist and serve in subduing such fire when ordered to do so by the said Board, or any member thereof, or who shall interfere with or interrupt the Fire Masters, or any of them, or any officer or member of a fire company, during the existence of a fire, and while the said Fire Masters, officers or members of fire companies shall be on duty. In the absence of the Fire Masters their duties and powers shall devolve on and be vested in the Intendant and Wardens of the said town for the time being.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4210. AN ACT TO INCORPORATE THE YORKVILLE FEMALE INSTITUTE,
AND THE MARION FEMALE COLLEGE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Hon. I. D. Witherspoon, Col. Wm. Wright, Maj. Jno. G. Euloe, George Steele, John S. Moore, J. H. Adams, Wm. Hanna, W. P. McFadden, Rev. R. A. Ross, Rev. P. E. Bishop, Rev. Wm. B. Davis, Rev. A. W. Miller, and Rev. J. M. Anderson, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name

and style of "The Trustees of the Yorkville Female Institute," a seminary of learning situated at Yorkville, in York District, in the State of South Carolina, and as such and by said name of "The Trustees of the Yorkville Female Institute," shall be capable and liable, in law and equity, to sue and be sued, to plead and be impleaded, to use a common seal, and to make such by-laws and rules for the regulation and government of said institute as they may deem necessary: *Provided*, Said by-laws and rules be not repugnant to the Constitution and laws of this State, or of the United States.

A. D. 1854.

Title.

May make by-laws.

Proviso.

II. That the said Board of Trustees are, and shall be, authorized to appoint such officers as they may think necessary and proper for the organization and government of their own body, and also all the officers, professors, tutors, and instructors of and in said college: *Provided*, That Bethel Presbytery, a corporeal part of the General Assembly of the Presbyterian Church of the United States of America, together with any other ecclesiastical body whom the said Presbytery may be pleased to associate with itself in the direction of the institute, shall have the power of confirming or annulling such appointments, and of exercising a general control and supervision over the officers, affairs and government of said institute.

Officers.

III. That the said Board of Trustees shall have power and authority to award diplomas to the pupils of said institute who shall graduate therein.

Diplomas.

IV. That the said Trustees, and their successors, shall have and hold all the estate, property and funds now belonging to said institute, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed and devised or given to said institute, in trust, nevertheless, for the use and benefit of said institute.

To hold property.

V. That said Trustees shall be appointed or chosen for the term of three years, by Bethel Presbytery aforesaid, and any other ecclesiastical body to whom the said Presbytery may transfer a share of the direction of the institute; and said Trustees shall be divided as equally as may be into three classes, so that one-third may be chosen every year after such division takes place; and the said Presbytery, together with any other body by its own act associated with itself, shall have power and authority to fill all vacancies in said Board of Trustees, which shall occur by death, resignation or otherwise.

Trustees.

VI. That the said Board of Trustees may be increased to the number of nineteen at the pleasure of the electing body or bodies.

VII. *Be it further enacted*, That S. F. Gibson, L. M. Stevenson, William Evans, Horatio H. McClenaghan, Nathan Evans, C. D. Evans, John Wilcox, E. B. Wheeler, W. W. Durant, W. H. Crawford, Elly Godbold, John C. Bethea, R. C. Hamer, Robert Harlee, W. B. Rowell, Light Townsend, Charles Williams, J. P. Zimmerman, Solomon Coward, B. K. Hennegan, D. Gilchrist, James C. Mullins, D. Legget, H. D. Green, James T. Gibson, James Beaty and Asa Godbold, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Marion Female College."

Title.

Powers.

VIII. That the said corporation, by the name and style aforesaid, shall have succession of officers and members, and shall be capable

- A. D. 1854. and liable, in law and equity, to sue and be sued, plead and be impleaded, in any court of law or equity in this State, to use a common seal, and the same to change at will, and to make such by-laws for the regulation and government of the said corporation as may be deemed necessary: *Provided*, Such by-laws, rules and regulations be not inconsistent with or repugnant to the laws of the land.
- Proviso.
- Capital stock. IX. That the capital stock shall be twenty thousand dollars, with the privilege of increasing the same to the sum of one hundred thousand dollars, by vote of a majority of the stockholders, in a meeting duly convened, and that the said capital stock shall be divided into shares of one hundred dollars each.
- Quorum. X. That a majority of the capital stock shall form a quorum to do business, and each share shall entitle the holder to one vote, which may be given in person or by proxy, which said proxy shall be appointed in writing under the hand and seal of the stockholder.
- Annual meeting. XI. That there shall be an annual meeting of the stockholders of the company at Marion Court House on the first Monday in January, or at such other time and place as may be appointed by the stockholders, when a Board of Trustees shall be elected for the ensuing year.
- Scholarships. XII. That the said Board of Trustees shall have power and authority to sell and dispose of scholarships in said college, for such time and upon such terms as the stockholders may direct, and to issue certificates for the same, under the seal of the corporation; and also to confer and award all such distinctions, honors, licenses and degrees as are usually conferred in the female colleges and universities of the United States.
- To hold property. XIII. That the said corporation shall have and hold all the estate, property and funds, now belonging to said company, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed and devised or given to said company: *Provided*, The same shall not exceed the sum of one hundred thousand dollars.
- Proviso.
- Public Act. XIV. This Act shall be taken and deemed to be a public Act, and continue in force for the term of twenty-one years, and from thence until the adjournment of the next General Assembly thereafter.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4211. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF MOUNT PLEASANT."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That hereafter it shall and may be lawful for the Town Council of Mount Pleasant to affix fines for the violation of all by-laws and ordinances of the said Town Council to the amount of two hundred dollars, and, when the fines exceed twenty dollars, to sue for the same in the Court of Common Pleas and General Sessions for Charleston District, as heretofore provided.

A. D. 1854.

Fines.

II. That all persons who may be arrested and confined in the lock-up house of the said town, by the Town Marshal for riotous and disorderly conduct, and all slaves or free persons of color who may be taken up for violating the ordinances and by-laws of the said town having reference to them, may be tried by the Intendant of the town so soon as each case may be brought to his knowledge, and may impose such fine or penalty (not to exceed twenty dollars if a white person, or thirty-nine lashes if a slave or free person of color) as he may deem expedient under the circumstances of each case: *Provided*, That the said Intendant may, if he should think proper, substitute a pecuniary fine in lieu of corporal punishment to a slave or person of color.

Penalties.

Proviso.

III. That upon the non-payment of any fine under twenty dollars, which may be imposed by the said Intendant or Wardens of the town, as heretofore provided, and upon the non-payment of any taxes or assessments imposed by the said Town Council, it shall be lawful for the said Intendant to issue an execution, in the nature of a tax execution, directed to the Town Marshal, against the property, either real or personal, of such defaulter or defaulters, and the said Marshal may immediately levy thereupon, and after ten days' written notice in two or more of the most conspicuous places within the town, and advertisement in one or more of the gazettes of the city of Charleston, may sell the property so levied upon, and payment of the said fines, taxes or assessments, the costs of advertising and the fees of the said Marshal, (which are hereby allowed to the same extent as State Constables' fees, under the like circumstances,) shall pay over the balance (if any remaining) to the said defaulter or defaulters.

Power to issue an execution.

IV. That in addition to the powers now vested in the said Town Council, concerning the roads, streets and alleys within the limits of the town, it shall and may be lawful for the said Intendant and Wardens, whenever they may deem it necessary and proper, for the interests of the citizens of the town, to open and extend any street, lane or alley within the corporate limits, to appoint two disinterested male inhabitants of the town (not members of the Town Council,) and give ten days' notice to each of the owners of the lots through which the street proposed to be opened and extended would have to pass, requiring them to appoint two other disinterested persons, which persons so appointed shall constitute a Board of Commissioners for the time being, whose duty it shall be to assess the damages done to the lands and tenements of the respective owners, and to award such compensation as they may deem adequate to the injury sustained by them respectively, and in case of the disagreement of the said Commissioners, they are hereby authorized to call in a fifth person, who shall also act as one of the said Board; and upon the written return of the said Commissioners to the Town Council, specifying the amount of compensation awarded

Power to open streets.

A. D. 1854.

Proviso.

by them as aforesaid, the Town Council are required to pay, within ten days after said return, the full amount of such compensation; and upon such payment, or legal tender thereof, the part or portion of the lands valued as herein directed shall be vested in them for the purpose of such street, lane or alley: *Provided*, That any or either party who may deem themselves aggrieved or injured by the assessment of the said Commissioners shall have the right of appeal to the Court of Common Pleas for Charleston District, and have the damages re-assessed by a jury in the same manner as is now provided by law in cases of railroad companies.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

BOBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4212. AN ACT TO INCORPORATE THE SOCIETY FOR THE RELIEF OF INDIGENT AND SUPERANNUATED MINISTERS OF THE PRESBYTERIAN CHURCH, AND THEIR FAMILIES.

Title.

Powers.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the society heretofore formed and now in existence known as "The Society for the Relief of Indigent and Superannuated Ministers of the Presbyterian Church, and their Families," and their successors, officers and members, shall be hereafter, and they are hereby, declared to be a body corporate in deed and in name, by the name of "The Society for the Relief of Indigent and Superannuated Ministers of the Presbyterian Church, and their Families," and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter, break and make new the same, as often as the said corporation shall judge expedient; and the said corporation and its successors shall be able and capable in law to purchase, hold, have, receive, enjoy, possess and retain to itself, and its successors, in perpetuity, or for any term of years, any estate or estates, lands, tenements or hereditaments of what kind or nature whatsoever; and to sell, alien, exchange or lease the same or any part thereof as it shall think proper; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto in any court of law or equity in this State; and to make such constitution, rules and by-laws (not repugnant and contrary to the laws of the land) for the regulation, benefit and advantage of the said corporation, as shall, from time to time, be agreed upon by its members or such majority as the constitution may specify.

Donations.

II. That it shall and may be lawful for the said corporation, hereby erected, to take and hold to itself and to its successors forever, any donations or devises of lands and personal estate, and to

appropriate the same, as also all other their funds and estates, real and personal, to such charitable, benevolent, religious, and other purpose falling within the objects of the said society, in such way and manner as may be determined upon by the members of the said corporation, or such members thereof as may be provided by their constitution and rules.

A. D. 1854.

III. That the said corporation shall be, and is hereby, declared able and capable in law, to have, receive, enjoy, possess and retain all such estate, real and personal, money, goods, chattels and effects which is now possessed of, or entitled unto, or which has already been given, devised or bequeathed to it, by whatever name such devise or bequest may have been made. And that this Act shall be deemed and held a public Act, and judicially taken notice of as such, and the same may be given in evidence without special pleading.

Real Estate.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE COMPTROLLER GENERAL TO ACCEPT THE BEQUEST OF THE LATE JOHN BLAIR. No. 4213.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General be, and he hereby is, authorized and required to take, in the name of the Legislature of the State, of the Executors of the late John Blair, of York, a certain sum of money, and certain railway and bank shares bequeathed by said John Blair in trust for certain uses and purposes set forth in his last will and testament. And the Comptroller General shall, after due consultation with His Excellency the Governor, invest said sum of money in good railway or other good stock, and in like manner invest the sum arising from dividends on shares from time to time. And the Comptroller General, and his successors in office, are hereby authorized and required to render annually to the General Assembly an account of the money and railway shares, hereby committed to their charge, and of the investment of accruing dividends, to the end that the General Assembly may carry into effect the purposes designed by the said John Blair, in creating the trust in his aforesaid last will and testament.

Comptroller authorized to receive.

Money—how to be invested.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1854.

AN ACT TO EXTEND AND RENEW THE CHARTER OF THE TOWN
OF YORKVILLE.

No. 4214.

Charter ex-
tended.
Proviso.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act to incorporate the village of York, ratified the nineteenth day of December, Anno Domini one thousand eight hundred and forty-nine, and an Act entitled "An Act to give the Town Council of Yorkville the power to issue bonds of the corporation and for other purposes," ratified on the twentieth day of December, Anno Domini one thousand eight hundred and fifty-three, be, and the same are hereby, extended and made of force for the period of nine years after the passage of this Act: *Provided*, That the private property of the citizens of said town shall not be liable for the payment of said bonds or other corporate liabilities that may be created by virtue of this Act, in any other mode than by a regular and uniform taxation, as provided in the Acts aforesaid.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4215. AN ACT TO AMEND THE FIRST CLAUSE OF AN ACT ENTITLED
"AN ACT TO RENEW AND AMEND THE CHARTERS OF CERTAIN TOWNS AND VILLAGES HERETOFORE INCORPORATED,"
PASSED THE TWENTIETH DAY OF DECEMBER, IN THE YEAR
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE.

Power to sub-
scribe.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Town Council of the town of Edgefield be, and is hereby, authorized and empowered to subscribe to the capital stock of the Greenville and Columbia Railroad Company a sum not exceeding thirty thousand dollars, and for the payment of the same to issue bonds, payable in ten and fifteen years, bearing interest at the rate of seven per centum per annum.

Railroad Tax.

II. That for the purpose of paying the interest on the said bonds, the said Town Council is hereby authorized and empowered to levy a sufficient annual tax upon the real and personal property situate and being within the corporate limits of the said town, in addition to the tax which, by law, it is now authorized to levy "to defray the expenses of the said corporation, and to maintain and protect the same;" and the revenue to arise from the tax herein authorized to be levied, to apply to the payment of the interest as it annually becomes due on the said bonds, and to no other purpose, and the same to keep separate and apart from all other funds in the treasury

A. D. 1854.

of the said Town Council, and to be designated and known as the Railroad Tax. It shall be the duty of the Town Council, by just and equal taxation upon the property of the inhabitants of the said town, to make provision for the payment of the interest and principal of the said bonds as they respectively become payable; and in case of default of payment, either of interest or principal, any bondholder shall have the right to obtain from any of the Judges of the Court of Common Pleas, either in term or at Chambers, a *mandamus* to compel the execution of said duty, the costs whereof shall be paid by the Town Council.

III. That the inhabitants of the town shall not be required to work the public roads beyond the corporate limits.

Public Roads.

IV. That the said Town Council shall be empowered to fine and imprison persons disturbing the quiet and peace of the town.

Fines.

V. That the municipal elections of the said town shall be held on the second Monday in January in every year, instead of the first Monday of September, as now done.

Elections.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE WILMINGTON AND MANCHESTER RAILROAD COMPANY. No. 4216.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sixth Section of an Act entitled "An Act to charter the Wilmington and Manchester Railroad Company," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six, be, and the same is hereby, so amended that hereafter, at all meetings of the said company, each stockholder shall be entitled to one vote for each share held by him, without regard to number; and that so much of the said sixth Section, and of the other Sections of the said charter as are inconsistent with the provisions of this Act, be, and the same are hereby, repealed.

Amendment
of charter.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE CHERAW AND DARLINGTON RAILROAD COMPANY TO INCREASE THEIR CAPITAL STOCK. No. 4217.

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

A. D. 1854.

Capital stock.

same, That it shall and may be lawful for the Cheraw and Darlington Railroad Company to increase the amount of their capital stock to the extent of six hundred thousand dollars, by opening books of subscription for new shares in the said company, after due notice given in the nearest gazette.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4218. AN ACT TO ALTER THE CONSTITUTION OF THIS STATE SO AS TO DIVIDE PENDLETON INTO TWO ELECTION DISTRICTS.

Constitution amended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Constitution of this State be altered and amended as follows: The District of Pendleton shall constitute two election Districts, to be called Anderson District and Pickens District; Anderson District shall include all the territory now constituting Anderson Judicial District, and Pickens District shall include all the territory now constituting Pickens Judicial District.

Senator.

II. Each of the said Districts shall be entitled to elect one Senator, and such a number of Representatives as they may respectively be entitled to from time to time, according to the provisions of the Constitution now of force.

Representatives.

III. That until the next apportionment of representation, Anderson District shall be entitled to four members in the House of Representatives, and Pickens District to three members.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and in the seventy-seventh year of the sovereignty and independence of the United States of America: We certify that the above Bill has been read the present session, three times in the House of Representatives and three times in the Senate, and was agreed to by two-thirds of both branches of the whole representation.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America: We, the President of the Senate and Speaker of the House of Representatives, do certify, that the foregoing Bill has been read three times, on three several days in each House, and was agreed to by two-thirds of each House, by yeas and nays, in the terms of the Constitution of this State.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTERS OF CERTAIN TOWNS AND VILLAGES HERETOFORE INCORPORATED.

A. D. 1854.
 No. 4219.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act incorporating the town of Cheraw, together with the amendments thereto, be, and the same are hereby, revived and extended, and the said town shall have and enjoy all the rights, powers and privileges heretofore granted.

Town of Cheraw.

II. That the Town Council of the town of Cheraw be, and the same are hereby, authorized to require the Marshal of the said town to commit to the guard house, for a term not exceeding twelve hours, any person who, within the corporate limits of the said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in conduct grossly indecent or dangerous to the citizens of the said town, or any of them.

Town Marshal.

III. That the Act incorporating the village of Orangeburg, together with the amendments thereto, be, and the same are hereby revived and extended, and the said town shall have and enjoy all the rights, powers and privileges heretofore granted.

Orangeburg.

IV. That the Act incorporating the town of Summerville, be, and the same is hereby, revived and extended, and the said town shall have and enjoy all the rights, powers and privileges heretofore granted.

Summerville.

V. That the charter of the said town of Summerville be so amended that the Town Council of said town are authorized and empowered to assess and levy a tax on such property, real and personal, within the corporate limits of said town within their discretion: *Provided*, That the entire amount to be levied shall at no time exceed two hundred dollars.

Power to tax.

Proviso.

VI. That the election of Intendant and Wardens of the said town of Summerville shall be held on the second Monday in June next, and on the same day in every year thereafter, instead of the day now by law appointed.

Election.

VII. That the charter of the town of Moultrieville be so amended as to require the election for Intendant and Wardens to be held on the day now appointed by law, from 9 A. M. to 2 P. M., and from 4 P. M. to 6 P. M.

Moultrieville.

VIII. That the inhabitants of the village of Loundesville, in Abbeville District, are hereby created and declared a body politic and corporate, for the term of ten years, with such powers and privileges as have been granted to the inhabitants of the village of Barnwell by an Act entitled "An Act to incorporate the village of Barnwell," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine. The corporate limits of Loundesville shall extend, in every direction, for one-half mile from a point within its present limits, to be fixed as a centre by a majority of the inhabitants of the said village. The first election for Intendant and Wardens, for said village, shall be held on the second Monday in January next, and on the same day in every year thereafter. That the Town Council of Loundesville shall have the sole power and authority to grant tavern and retail licenses within the limits of said corporation.

Loundesville.

A. D. 1855.

Public Act.

IX. That this Act shall be deemed and taken to be a public Act, and all Acts and parts of Acts inconsistent or repugnant to the same, shall be, and the same are hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and in the seventy-ninth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4220. AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the public treasury of this State for the use and service thereof, that is to say: sixty cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification as heretofore established; seventy-five cents per head on all slaves; two dollars on each free negro, mulatto or mustizo, Egyptians and Indians, (free Indians in amity with this government excepted,) between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collector, to be incapable, from maims or otherwise, of procuring a livelihood; twenty-five cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; sixty cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of the law, the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, school-masters, school-mistresses and mechanics, and on the amount of commissions received by Vendue Masters and Commission Merchants; forty cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and fifty-five, of all banks which for their present charters have not paid a bonus to the State; twenty cents per hundred dollars on the capital stock of all incorporated gas-light companies; one per cent. on all premiums taken in this State by incorporated insurance companies, and by the agencies of insurance companies and underwriters without the limits of this State; twenty-five cents upon every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all the articles of trade, for sale, barter or exchange (the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall have made from the first day of January of the present year, to the first day of January, in the year of our Lord one thousand eight hundred

and fifty-six, either on his, her or their capital or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; twenty-five cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any kind whatsoever, to be paid into the hands of the Clerks of the court respectively, who shall be bound to pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.

A. D. 1855.

Exhibitions.

II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located.

Taxes, to whom paid.

III. In making assessments for taxes on the value of taxable property used in manufacturing, or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

Machinery.

IV. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are hereby, required and enjoined, to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the Comptroller General shall return the same in his report.

Duty of Tax Collectors.

V. That free negroes, mulattoes, mustizoes, Egyptians and Indians, (free Indians in amity with this Government excepted,) be, and they are hereby, required to make their returns, and pay their taxes during the month of March.

Free negroes, &c.

VI. That the lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax District in which they are situate, in the same manner as other town lots and houses, and shall be liable to the same rate of taxation.

Sullivan's Island.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE. No. 4221.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropri-

A. D. 1855.

ated for the payment of the various officers and expenses of the State Government, that is to say :

Executive
Department.

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars ; for the Private Secretary of the Governor, five hundred dollars ; for the Messenger of the Governor, two hundred and fifty dollars ; for contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature ; for the rent of the Governor's house, in Columbia, three hundred dollars.

Legislative
Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature and their Investigating Committees, and the Attorney General and Solicitors, during the present session, twenty-one thousand dollars, if so much be necessary ; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature ; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, and for extra services performed by the Messenger of the House, fifty dollars, to be paid at the adjournment of the Legislature ; for the salary of the Keeper of the State House and Librarian, seven hundred dollars ; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session ; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and the President of the Senate, six hundred dollars ; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committee of both Houses, nine thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division ; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary : *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division before the twentieth day of February next, and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurer aforesaid : *And, further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within sixty days after the adjournment of the Legislature ; for Wm. F. Arthur, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly ; for stationery, fuel, distributing Acts, expenses of the election returns, fourteen hundred

dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, six hundred dollars.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of the Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of a Messenger for the said court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel; for fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrants to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said courts; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of tax returns, eight hundred dollars.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for an Assistant for the present year to the Professor of Chemistry, Mineralogy and Geology, six hundred dollars; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of

A. D. 1855.

Judiciary
Department.Treasury
Department.South Caro-
lina College.

A. D. 1855.

Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Assistant to the Professor of Chemistry, Mineralogy and Geology, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for the expenses of two students at the South Carolina College, sent by the Orphan House in Charleston, eight hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

Ordinary
civil expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-five thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, thirty thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, three thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature, at its present session, twelve thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the education of the Deaf and Dumb, and of the Blind, seven thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, and such sums of money as shall be recommended to be refunded by the reports of the Committee of Ways and Means, and of Finance and Banks, agreed to by the Legislature, nine hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of the other Committees, nine hundred and fifty dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

Military ex-
penditures.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard at Charleston, five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty thousand dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors of said Academies, so that their support shall not exceed the said sum, to be drawn and accounted for to the Legislature by the said Board of Visitors: *Provided*, That the Board of Visitors shall admit into said academies as many beneficiary cadets as the appropriation may allow, apportioning the said cadets to the judicial Districts of the State, according to the compound ratio of population and taxes of each District; for the Military Accounts, as agreed to by both branches of

the Legislature, one thousand dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies, fifteen hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the ensuing year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for repairing arms and Arsenal purposes in Charleston and Columbia, two thousand dollars.

A. D. 1855.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor at Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the support of the transient poor of Beaufort, two hundred dollars, to be expended by the Town Council of the said town, to be accounted for by them as heretofore; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry on Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Ordinary local expenditures.

IX. For the support of the Catawba Indians, fifteen hundred dollars, if so much be necessary, to be paid to the order of the Indian Agent, and to be expended under the direction of the Governor.

Catawba Indians.

X. FOR PUBLIC BUILDINGS.—To John Chapman, for additional work done to Chesterfield jail, four hundred and forty-four dollars, in full and no more, for said jail; for building a new jail at Sumterville, nine thousand dollars, in full and no more, to be drawn and expended by the Commissioners of Public Buildings for said District, who are hereby authorized to build said jail, on the present jail lot, or to build it on some other site, to be purchased by them, with power, if they so desire, to sell the present lot, and apply the proceeds to the purchase of a new site; and said Commissioners are hereby authorized, if they so desire, to retain the present jail lot as a public lot, to be under their jurisdiction and control: *Provided*, No further application be made for further appropriation for said jail or site; for a new court house for the District of Spartanburg, ten thousand dollars; to enable the Commissioners of Public Buildings for Greenville District to complete their new court house, four thousand five hundred dollars, and the said Commissioners shall have full power and authority to sell or otherwise dispose of the old

Public buildings.

A. D. 1855.

court house, and shall account for the proceeds of their sale in their report to the Court of Common Pleas; and the above amounts of money shall be paid to the Boards of Commissioners of Public Buildings of the respective Districts, and drawn by them according to law.

Extraordinary
expenditures.

XI. FOR EXTRAORDINARY EXPENDITURES.—For the State Agricultural Society, five thousand dollars; to enable the Trustees of the South Carolina College to discharge a balance due on their contracts for the reconstruction of the College edifice, destroyed by fire, seven thousand eight hundred and two dollars; and to enable the same Board to pay certain sums of money for which they have become liable, in building the new chapel, five thousand dollars; to pay the debt of the State to the Legionaries of Luxembourg, or their representatives, twenty-seven thousand six hundred and thirty-five dollars and seventy cents, with lawful interest on the principal sum of the debt, from the fifteenth of December, A. D. one thousand eight hundred and fifty-four, to be paid to the agent who may or shall be appointed by the Government of France to receive the same; for erecting an additional building for the Arsenal Academy at Columbia, six thousand dollars, to be drawn and accounted for by the Board of Visitors of the Military Academies; for the salary of the Commissioner to superintend the construction of the new State House, three thousand five hundred dollars; for five hundred copies of the Legislative Times, to be distributed, together with the Acts, three copies to each member of the General Assembly, two thousand five hundred dollars, to be paid to E. H. Britton & Co., when the Treasurer of the Upper Division shall have received the same; for the first year's subscription in aid of the publication of Tuomey & Holmes' Fossils of South Carolina, two thousand dollars, to be paid to the order of those gentlemen, as soon as they shall have deposited in the Legislative Library two hundred copies of the first five numbers of that work; for the purchase and improvement of the property at Cedar Springs, belonging to N. P. Walker, fifteen thousand dollars, to be paid to the order of the Commissioners of the Deaf, Dumb and Blind, and applied by them pursuant to the resolutions agreed to at the present session in relation thereto; in aid of the Roper fund, three thousand dollars, to be paid to the order of the Trustees of the Roper Hospital; to reimburse the City Council of Charleston for expenditures incurred in execution of the quarantine laws, four thousand three hundred and fifty-five dollars and thirty-five cents, to be paid in pursuance of the report of the Committee of Ways and Means, agreed to at this session. That for deepening the Sullivan's Island Channel of the port of Charleston, all moneys that shall be placed in the Treasury on account of dividends declared on the railway shares owned by the State, together with all sums heretofore appropriated to that purpose, shall be held liable to the draft of the Commission raised to examine and improve the harbor of Charleston. That the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated for continuing the construction of the new State House, and that, in order to meet the payments on this account, the Governor of the State be, and he hereby is, authorised and required to issue, in the name of the State, bonds for the amount of two hundred and fifty thousand

dollars, payable in twenty-five years from the date thereof, bearing interest at the rate of six per centum, payable semi-annually, at the State Treasury; and the said bonds shall be countersigned by the Comptroller General, and the faith and funds of the State are hereby pledged for the payment of the interest on said bonds, and the final redemption of the principal thereof: *Provided*, That said bonds shall not be sold under their par value; and all moneys arising from the sale of said bonds shall be placed in the Treasury, and accounted for by the Comptroller General; for the salary of a Geological, Mineralogical and Agricultural Surveyor, three thousand dollars; ten thousand dollars to aid the city of Columbia in erecting water works, according to the provisions of the Bill passed during this session of the General Assembly.

A. D. 1855.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A BILL TO AMEND THE FOURTH SECTION OF THE FIRST ARTICLE OF THE CONSTITUTION OF THIS STATE. No. 4222.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the amendment of the fourth Section of the first Article of the Constitution of this State, ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, be altered and amended to read as follows: Every free white man of the age of twenty-one years, (paupers and non-commissioned officers and private soldiers of the army of the United States excepted,) who hath been a citizen and resident in this State two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or, not having such a freehold or town lot, hath been a resident in the election District in which he offers to give his vote six months before the said election, shall have a right to vote for a member or members to serve in either branch of the Legislature for the election District in which he holds such property or is so resident.

Constitution amended.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America. We certify that the above Bill has been read the present session three times in the House of Representatives, and three times in Senate, and was agreed to by two-thirds of the whole representation.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1855.

AN ACT TO GRANT AID TO THE "STATE AGRICULTURAL SOCIETY OF SOUTH CAROLINA."

No. 4223.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of affording aid to the "State Agricultural Society of South Carolina," the sum of five thousand dollars annually shall be, and the same is hereby, set apart and appropriated, to be paid to the said society by the Treasurer of the Upper Division, out of any moneys not otherwise appropriated, upon presentation of the draft of the President of said society, countersigned by the Secretary and Treasurer.

II. That it shall be the duty of said society to make an annual report to the Legislature, exhibiting the nature of its operations, and the manner in which the fund hereby appropriated shall have been expended.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4224.

AN ACT IN RELATION TO KIDNAPPING SEAMEN.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any attempt, by fraud or force, to ship against his will, any person as a seaman on board any vessel in any port of this State, is hereby declared a misdemeanor, to be punished by fine and imprisonment at the discretion of the court.

II. That the provisions of the fourth Section of an Act entitled "An Act to amend an Act entitled 'An Act to amend the law in relation to the harboring of deserted seamen,'" ratified the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, are hereby extended to offenses under this Act.

III. That defendants, in cases arising under this Act, and defendants in all cases arising under the several Acts in relation to harboring deserted seamen, shall hereafter be deprived of the right of traverse or continuance, without cause shown at the term of the court where the indictment is found, any law or usage to the contrary notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER THE LAW IN RELATION TO THE DUTIES OF
ORDINARIES IN TAKING ADMINISTRATION BONDS.

A. D. 1855.

No. 4225.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter every administration bond taken by any Ordinary, or other officer acting as Ordinary, shall be taken in a penalty double the estimated value of the personal property of the intestate, and shall have two or more good sureties, the aggregate value of whose estates, over and above their indebtedness, shall not be less than the full amount of the penalty of the bond.

Administration
bonds.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AID THE CITY OF COLUMBIA IN THE CONSTRUCTION
OF NEW WATER WORKS, AND FOR OTHER PURPOSES.

No. 4226.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Mayor and Aldermen of the city of Columbia be, and they are hereby, authorized and empowered to borrow money, by issuing city bonds or stocks, from time to time, to the amount of one hundred thousand dollars, (if so much be necessary,) to pay for the construction of new water works, to supply the said city of Columbia with water; and for the purpose of enabling them to furnish suitable grounds and buildings to the State Agricultural Society of South Carolina.

Issuing of city
bonds author-
ized.

II. That for the purpose of obtaining a sufficient supply of water for the said city of Columbia, the said Mayor and Aldermen, and their successors in office, shall have authority and power to divert from its usual channel any stream or streams of water in or adjacent to the said city, making to the person or persons who shall be injured thereby adequate compensation for such injury, the amount of which compensation, in case of disagreement, shall be adjudged and decided as hereinafter directed. And in case any land, or the right of using any land, for the purpose aforesaid, may be required by the said Mayor and Aldermen, and the same cannot be purchased from the owner or owners, by reason of disagreement of the parties as to the value thereof, or from any other cause, the same may be taken by the said Mayor and Aldermen at a valuation to be fixed by five Commissioners, or a majority of them, to be appointed by any one of the Judges of the Court of Common Pleas, at Chambers, the said Commissioners, before acting, severally taking an oath faithfully and impartially to discharge the duty assigned to them. And the said Commissioners are hereby directed and

Supply of
water.Compensa-
tion for injury.

Valuation.

A. D. 1855.

Commissioners to make returns.

Proviso.

New valuation.

required to make, under their hands and seals, or the hands and seals of a majority of them, a return of their proceedings, accompanied with a full description and plat of the said land, to the Court of Common Pleas for Richland District, there to remain of record: *Provided*, That either party to the proceeding, who shall be dissatisfied therewith, may appeal to the Court of Common Pleas for Richland District, at its sitting next thereafter, giving reasonable notice to the opposite party of such appeal. And the said court, upon satisfactory proof that the appellant had been injured by the valuation so fixed as aforesaid, shall order a new valuation to be made by a jury, who shall be charged therewith, in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the land, or right to the use thereof, so valued, shall, for the purposes aforesaid, vest in the city of Columbia, in fee simple, so soon as the valuation shall be paid, or tendered and refused. But the pendency of such appeal, by either party, from the valuation of the said Commissioners, shall not prevent the said Mayor and Aldermen from proceeding in the construction of said work in and upon the said land.

Appropriation to be drawn.

Public buildings exempt from water tax.

III. That as soon as satisfactory evidence shall be furnished to the Comptroller General that the said new water works are completed, and the upper or distributing reservoir thereby supplied with water, the said Comptroller General shall draw his warrant in favor of the said Mayor and Aldermen, on the Treasurer of the State, for the sum of ten thousand dollars. And in case the said Mayor and Aldermen shall accept and receive the said sum of money, then, and in that event, the colleges and all buildings connected therewith, the State House, Lunatic Asylum, Arsenal, Court House, Jail, public academies, and other public buildings within the city of Columbia, and all other public buildings which the State may hereafter erect within the corporate limits of said city, shall, in consideration of said sum of money, be forever exempted from all charge for supplies of water which may, at the expense of the Trustees of such colleges and academies, and of the State, be conveyed from said water works, or the distributing pipes thereof, to the said colleges, academies and other public buildings.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4227. AN ACT TO ALTER AND AMEND THE CHARTERS OF THE JOINT STOCK BANKS OF THIS STATE.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third Section of an Act entitled "An Act to pro-

vide against the suspension of specie payments by the banks of this State," ratified on the eighteenth day of December, in the year of our Lord eighteen hundred and forty, be amended so far as that the monthly returns of the conditions of the several banks shall in future consist of monthly statements of the average weekly condition of the banks, as ascertained on the Wednesday of each week, in the several particulars prescribed by that Section.

A. D. 1855.
 Act amended.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROHIBIT NON-RESIDENTS FROM HUNTING, DUCKING AND FISHING WITHIN THE LIMITS OF THIS STATE. No. 4228.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act it shall not be lawful for any non-resident of this State to use a gun, set a trap, or decoy, or to employ any other device for killing or taking deer, turkeys, ducks, or any other game, nor to set a trap, or seine, or net, or draw or use the same, or any other contrivance for taking or killing fish within the territorial limits of this State.

Prohibition.

II. That every person who shall offend against the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a penalty not exceeding two hundred dollars, nor less than one hundred dollars, and imprisoned not exceeding three months, nor less than one month for each and every violation of any of the provisions of this Act.

Penalty.

III. That all persons shall be taken and deemed as non-residents within the meaning of this Act, who shall not have had their actual domicile in this State for two years next preceding their use of any of the implements of the chase or fishery forbidden by this Act. But nothing herein contained shall be construed as prohibiting any landholder from authorizing any person to hunt or shoot ducks or other game, or to fish within the boundaries of his own land.

Meaning of the Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1855.

No. 4229.

AN ACT TO AMEND THE CHARTER OF THE SPARTANBURG AND UNION RAILROAD COMPANY, IN CERTAIN PARTICULARS.

Transfer of
stock.

Proviso.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of same, That whenever satisfactory proof is produced to the Comptroller General, within three months from the passing of this Act, that the Spartanburg and Union Railroad Company has actually expended five hundred thousand dollars in the construction of their road, the Comptroller General shall transfer and deliver to the said company so much of the stock of the State in the South Carolina Railroad Company as shall amount, at its par value, to fifty thousand dollars: *Provided*, That the transfer of the said stock be received by the Spartanburg and Union Railroad Company, in lieu of the contingent subscription of fifty thousand dollars of the same stock, authorized in the last clause of the third Section of an Act entitled "An Act to alter and amend an Act to authorize the State to aid in the construction of the Spartanburg and Union Railroad," ratified the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4230. AN ACT TO AMEND THE CHARTER OF THE NORTH EASTERN RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Exemption
from tax.Employees
exempt from
jury service.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of same, That the stock of the North Eastern Railroad Company, and the real estate that it now owns or may hereafter acquire, which is connected with or subservient to the works authorized in the charter of the said company, shall be, and the same is hereby, exempted from all taxation during the continuance of the present charter of the said company.

II. That the following officers and persons, while in the actual employment of any railroad company in this State, shall be exempt from the performance of ordinary militia duty, and from service on juries, viz: the Chief Engineer and Assistant Engineer, the Superintending Officer, the Secretary and Treasurer of the Directors, the Keeper of the Depository, the guard stationed on the road to protect it from injury, (not exceeding one white man to every five miles), and such persons as may be actually employed in working the locomotive engines and in traveling with cars for the purpose of attending to the transportation of passengers or goods on the said roads, not exceeding one white engineer and his white assistant to

each engine, and one white person to each passenger car, and to every five cars for the transportation of goods.

A. D. 1855.

III. That the existing structure of said railroad at the points of intersection of said road with the creeks known as New Market and Vardell's Creeks, is hereby declared to be lawful, and said company is hereby authorized to cross said creeks without drawbridges or other provision for the navigation of the same: *Provided*, That no private rights be taken away or impaired, but upon proper compensation, assessed as is usual in such cases.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE ERECTION OF GATES UPON ALL SUCH ROADS AS ARE NOT PUBLIC HIGHWAYS. No. 4231.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January next it shall be lawful for any citizen of this State, over whose land any road may pass, other than a public highway, to erect gates thereon, and that the persons owning or erecting such gates shall be liable to be indicted for a nuisance if they fail to keep them in good order.

Gates may be erected.

II. That in case any person or persons shall interfere with, injure, destroy, or wilfully leave open any such gates, such person or persons shall be liable to indictment as for a misdemeanor.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW THE CHARTERS OF OTHERS HERETOFORE INCORPORATED. No. 4232.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or hereafter may be

A. D. 1855.
 Societies in-
 corporated.

come, members of the following religious societies, and societies for the advancement of education, to wit: Mount Carmel Baptist Church; St. Stephen's Baptist Church; St. James' Baptist Church; the Santee Baptist Church; the Edgefield Village Baptist Church; Convent Baptist Church, in Lexington District; the Church of the Good Shepherd, in Yorkville; the Church of the Messiah, North Santee; the Vestry and Church Wardens of St. Jude's Church, Walterborough; the Presbyterian and Baptist Churches at New Harmony, Laurens District, South Carolina; St. Stephen's Baptist Church; the Howard Association, of Charleston; Unity Church, in York District; Warrior's Creek Baptist Church; the Trustees of Willington Church, Abbeville District; the Williamston Male Academy, and the Springville Academy, Darlington, are hereby declared and constituted bodies corporate and politic.

Powers and
 privileges.

II. That the said churches, societies and associations shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws, and shall have power respectively to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of fifty thousand dollars.

Church of the
 Ascension.

III. That Thomas M. Rhett, Charles T. Lowndes, William C. Heyward, James B. Heyward, Arthur M. Parker, Daniel Blake and Andrew W. Burnett, now acting as Vestrymen and Wardens, and their successors in office forever, be, and they are hereby, declared to be a body corporate and politic, in deed and in law, under the name and title of the Church of the Ascension of St. Bartholomew's Parish, and by the same name shall have perpetual succession of officers as Vestrymen and Wardens, and a common seal, with power to alter, change, break and make new the same as often as may be deemed expedient; and the said corporation shall be able and capable in law to purchase, have, hold, receive, possess and enjoy and retain to itself in perpetuity, or for any term of years, any estate, goods, chattels, lands or tenements of what kind soever, not exceeding the value of fifty thousand dollars; and to sell, alien, or release the same, or any part thereof, or to grant or convey any interest or right in the same, or any part thereof, as they shall think proper, and may, by the same name, sue and be sued, plead and be impleaded, answer and be answered unto, in any court of this State.

Election of
 Vestry and
 Wardens.

IV. All the temporal interests and affairs of said church shall be governed and controlled by five Vestrymen and two Wardens, to be elected annually on Easter Monday, the election to be held by such persons as shall be appointed by the Vestry; and no person shall be eligible to the office of Warden or Vestrymen unless he be a member of the congregation and be contributing to the sup-

port of the church ; and in case of any failure to make an election, the Vestry and Wardens then in office shall hold over until a new election.

A. D. 1855.

V. Every male worshipper in said church of full age, owning or hiring a pew, or part of a pew, for six months immediately previous to the election, shall be entitled to vote for Vestrymen and Wardens of the said church.

Votes.

VI. The said Vestry and Wardens shall have power to make such assessments upon the pews as they shall see fit, and if any pewholder shall refuse or neglect to pay the sum at which said pew shall be assessed for more than six months after such assessment shall have been made, then it shall be lawful for the said Vestry and Wardens, or a majority of them, to let out, hire, or sell the said pew, for the purpose of paying the assessment in arrear as aforesaid.

Powers.

VII. The corporation hereby created are hereby vested with all the powers and authorities which are vested in any Episcopal Church in this State.

VIII. That the Vestry and Wardens of the Protestant Episcopal Church of Summerville, and their successors, be, and the same are hereby, declared and constituted a body corporate and politic, by the name and style of "The Vestry and Wardens of St. Paul's Church, Summerville."

St. Paul's Church.

IX. That the said Vestry and Wardens shall be capable in law to have, hold, receive, possess and enjoy all the lands, tenements and hereditaments, and the rents and issues thereof, which were formerly vested in the "Vestry and Church Wardens of the Episcopal Church in the Parish of Saint George, Dorchester," and also to sell, alien, demise, exchange or lease the same as they, or a majority of them, shall think expedient.

Powers, &c.

X. That the Reverend Charles C. Pinckney, the younger, Thomas Pinckney, the Reverend Christopher P. Gadsden, William C. Bee, George M. Coffin, Henry D. Lesesne and James R. Pringle are hereby incorporated and made a body politic, by the name and style of the "Trustees of the Seamen's Chapel, at Charleston," and by the said name to have perpetual succession of officers and members, and shall be capable in law to purchase, hold and enjoy to their own use, as a corporation, or as Trustees for the said Seamen's Chapel, any lands or real or personal estate, and the same to lease or alien as they may see fit ; and to sue and be sued, answer or defend in any court ; and to make such rules and by-laws, not repugnant to the laws of the land, for the benefit and advantage of the said corporation and of the chapel which they propose to erect, as shall, from time to time, be agreed upon by a majority of the members of the said corporation.

Seamen's Chapel.

XI. It shall be a fundamental rule of the said corporation that one or more of its members shall, at all times, be a minister or ministers, duly ordained in the Protestant Episcopal Church of the United States of America, residing in South Carolina.

XII. The said corporation shall have power, from time to time, to appoint from the ministry of the chapel which may be erected by them, such ministers as they may select from among the clergy of the said Protestant Episcopal Church, in good standing therein ;

Powers.

A. D. 1855.

Proviso.

and shall, also, have power and authority, from time to time, to displace or remove any minister, and to appoint another in his stead from among the said clergy: *Provided*, That the person appointed shall, in all cases, be a minister officiating according to the liturgy of the said church.

Charters re-
newed.

XIII. That the charters of the association of the Second Presbyterian Church of the city and suburbs of Charleston; German Evangelical Lutheran Church, of Charleston; Zion Church, of the town of Winnsborough; Christ's Church, Wiltown Bluff, St. Paul's Parish; German Fusilier Society; the Charleston Port Society, for the promotion of the Gospel among Seamen, be, and the same are hereby, renewed, with all the rights, powers and privileges heretofore granted to them respectively; and all acts done by any of the said corporations, in accordance with their respective charters since their expiration, be, and the same are hereby, allowed to be legal and valid. That "The Society for the Relief of Elderly and Disabled Ministers and of the Widows and Orphans of the Independent or Congregational Church of Charleston," is hereby re-chartered for the term of one year, and during the said term of re-charter, is hereby restricted from applying the funds of the said society to any other purposes than those contemplated by an Act entitled "An Act for incorporating the Society for the Relief of Elderly and Disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church, in the State of South Carolina," ratified on the seventh day of March, seventeen hundred and eighty-nine, anything contained in an Act entitled "An Act to amend the charter of the Society for the Relief of Elderly and Disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church, in the State of South Carolina," ratified on the seventeenth day of December, eighteen hundred and thirty-four, to the contrary notwithstanding.

Re-charter.

Public Act.

XIV. That this Act is hereby declared to be a public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4233. AN ACT TO LEASE THE STATE ROAD OVER THE SALUDA MOUNTAINS TO M. D. DICKEY AND OLIVER BARRETT.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the State Road over the Saluda Mountains be, and the same is hereby, leased to Michael D. Dickey and Oliver Barrett, for the term of five years, with the right of receiving and collecting the tolls on the said road, as now established by law, on condition of their entering into a bond of ten thousand dollars,

Lease granted

Bond.

payable to the State of South Carolina, with good and sufficient sureties, to be approved by the approvers of the bonds of public officers for Greenville District, for the payment of one thousand dollars, annually, into the Treasury of the State, and also for the keeping in repair the said road, and surrendering it to the State at the expiration of the lease, in good order and condition.

A. D. 1855.

II. That the Commissioners of Roads and Bridges, through whose division the State Road passes, shall see that the same is kept in good traveling order and condition at all times during the said lease, and if it is not, they shall instruct the Solicitor of the Western Circuit to put in suit the bond of the said lessees, and shall take other proceedings against them as he shall deem necessary and proper.

Road to be kept in order.

III. That the present Commissioner of the State Road, passing over the Saluda Mountains, do surrender the said road and gate to the said Michael D. Dickey and Oliver Barrett on the first day of February next: *Provided*, They have, before that time, deposited with the Treasurer of the Upper Division their bond, as required in the first Section of this Act.

IV. That the office of the Commissioner of the State Road be, and the same is hereby, abolished.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO CLOSE "LITTLE COMING'S CREEK." No. 4234.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston are hereby authorized to extend Lynch's street across the stream known as "Little Coming's Creek," and to close and fill up that portion of the said stream which lies to the east of said street, together with so much thereof as may be required to complete said street as a highway: *Provided*, That nothing in this Act shall be construed to prejudice the right of any person to sue and recover from the City Council for any damage he may sustain from closing or filling up the said creek.

Street extended.

Proviso.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1855. AN ACT TO INCORPORATE THE LANDSFORD MANUFACTURING
 No. 4235. COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Foster, John Adams, James H. Witherspoon, and Joseph A. Cunningham, and others, who now are members of the Landsford Manufacturing Company, and such other persons as may become members of the same, be, and the same are hereby, declared a body corporate and politic, by the name and style of the "Landsford Manufacturing Company," with a capital of thirty thousand dollars, divided into shares of one hundred dollars each, with the right to increase the same hereafter to a sum not exceeding one hundred thousand dollars.

Corporators.

Capital.

Powers.

II. That the said manufacturing company shall have succession of officers and members, to be chosen according to the rules and by-laws made, or to be made, for their government and direction; and shall have power and authority to make by-laws not repugnant to the laws of the land; to have, use, and keep a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded in any court of law or equity in this State; and to have and enjoy all and every right and privilege incident and belonging to incorporated bodies.

Privileges.

III. That the said manufacturing company, herein above incorporated, shall be able and capable in law and equity to have, hold, receive, possess, enjoy and retain all such property, real and personal, as they may now be possessed of, or in anywise entitled to, or which shall have been, or shall hereafter be given to, bequeathed, or in any way acquired by them; and shall alien or otherwise part with the same, or any part thereof: *Provided*, The amount so held by the said manufacturing company shall, in no case, exceed the sum of one hundred thousand dollars.

Public Act.

IV. That this Act is and shall be deemed and adjudged a public Act, and shall continue of force for the term of thirty years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4236. AN ACT TO AUTHORIZE THE COMMISSIONERS OF FREE SCHOOLS FOR ST. PHILIP'S AND ST. MICHAEL'S TO SELL AND CONVEY CERTAIN LANDS.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Board of Commissioners of Free Schools for the Parishes of St. Philip's and St. Michael's be, and they are hereby,

authorized to make sale of such lands as may have been purchased by them, and which they may deem it no longer expedient to hold, and the same to convey to any purchaser, and the signature and seal of the Chairman, countersigned by the Secretary of the said Board, affixed to any deed or instrument of writing, shall be a sufficient and effectual execution thereof.

A. D. 1855.
 }
 Lands to be sold.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY IN CERTAIN PERSONS THEREIN MENTIONED. No. 4237.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to the estate of Alexander J. Craig, deceased, late of York District, containing one hundred and thirty-eight acres, more or less, bounded by lands of J. N. C. Lepley, C. D. Anderson, Sarah Spears and A. J. Westbrooks, as also all right, title and interest of the State in and to the personal estate of said deceased be, and the same is hereby, vested in Patsy Craig for and during the term of her natural life, with remainder to her children and their heirs forever: *Provided, however,* That the said real and personal estate shall remain subject to the payment of the debts of said deceased, and to a counsel fee, to be paid to the counsel who conducted the prosecution for the homicide of the said Alexander J. Craig.

Title vested.

Proviso.

II. That all the right, title and interest of the State in and to a certain tract of land in York District, bounded by lands of William Ayers, James H. Crawford and Dr. Blake, and of which Elijah Mildoon, at the time of his death, was seized and possessed, be vested in Rebecca Mildoon and Sarah Mildoon, their heirs and assigns forever.

III. That all the right, title and interest of the State in and to the real estate of John Scott, Sr., late of York District, devised by the will of the said John Scott, Sr., to John Scott and Mary Scott, be, and the same is hereby, vested in the said John Scott and Mary Scott according to the provisions of the said will.

IV. That all the right, title and interest of the State in and to a certain lot of land in the city of Charleston, situate and being at the corner of Sires and Boigard streets, measuring in front on Sires street, thirty-seven feet, and in depth, from east to west, eighty feet, and of which Catherine Shultz, at the time of her death, was seized and possessed, be vested in Francis Gilles, Joseph Gilles and Rosalie Shultz, their heirs and assigns forever.

A. D. 1855.

V. That all the right, title and interest of the State in the personal estate of George Broad, deceased, late of the Parish of St. John's Berkley, be, and the same is hereby, vested in John W. Gaillard, for the purpose of carrying into effect the trusts of the will of the said George Broad, saving and reserving, nevertheless, to all persons that may be interested therein, any right which they may have in or to such personal estate.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4238. AN ACT TO ESTABLISH CLARENDON COUNTY AS A SEPARATE JUDICIAL DISTRICT.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-seven, Clarendon election County, constituting, at present, a part of Sumter Judicial District, be, and the same is hereby, established and declared to be a separate judicial District, to be called by the name of Clarendon District, with the same boundaries as provided for by an Act, ratified the twelfth day of March, in the year of our Lord one thousand seven hundred and eighty-five, entitled "An Act for laying off the several Counties therein mentioned, and appointing Commissioners to erect the public buildings."

When to take effect.

Corporators.

Village of Manning.

II. That R. C. Baker, L. F. Rhame, J. C. Brock, W. W. Owens, Joseph Spratt, J. C. Burgess, M. T. Brogdon, J. J. Nelson, Samuel A. Burgess, J. J. McFadden, Jesse Hill, R. R. Haynsworth and P. S. Warsham, be appointed Commissioners, who are hereby authorized, at the expense of the said District, to select and purchase and contract for a tract of land of not less than six acres nor more than sixty acres, upon which they shall lay out a village to be called "the Village of Manning," and determine the site of the public buildings; and that said Commissioners after reserving such portions of the tract so purchased as they may deem necessary for public purposes, are hereby authorized to sell the remainder at such time as they shall deem proper, at public auction, after three months' notice, upon such terms as to them shall appear most advantageous; and the proceeds of said sales shall be paid over to the Commissioners of Public Buildings for said District, and to be accounted for by them in their annual reports to the courts.

Commissioners of Public Buildings.

III. That R. J. Manning, L. F. Rhame, J. B. Brogdon, J. J. Conyers and William A. Burgess be appointed Commissioners of Public Buildings for the District of Clarendon, who shall contract for and superintend the building of a court house and jail in the

village of Manning, upon the sites selected by the Commissioners appointed by the preceding Section of this Act.

IV. That an election be held in Clarendon District on the second Monday in October next for the offices of Clerk, Sheriff and Ordinary for said District, at the same places, and conducted by the same Managers as the election for members of the General Assembly, and the said Managers shall, in all respects, conform to the provisions of the Act ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-nine entitled "An Act prescribing the mode of electing Clerks, Sheriffs and Ordinaries," and the Acts amendatory thereto. And that the said officers so to be elected, shall enter upon the duties of their respective offices on the first Monday of January then ensuing, and shall continue in office for the term of four years, and until a successor may be elected and qualified.

V. That the Tax Collectors of Clarendon, Claremont and Salem, be, and they are hereby, required to prepare and furnish to the Sheriff of Sumter District, separate lists of persons residing in the limits of the Judicial Districts of Clarendon and Sumter, as provided by this Act, liable to serve as jurors, on or before the second Monday after the fourth Monday in October next; and the presiding Judge then in attendance shall cause to be drawn (or if he be absent, the Clerk and Sheriff,) therefrom, in the manner prescribed by law, the names of twenty-four persons to serve as grand jurors, and the names of forty-eight persons to serve as Common Pleas and petit jurors, from each of the lists for each of the said Districts respectively, at the first court thereafter to be holden for the same; which jurors, so drawn, are hereby declared, to all intents and purposes, lawful jurors to sit, try and determine all matters in said courts for said Districts respectively, at the next term of the court thereafter, that may be brought before them; and the Clerk of Sumter District is hereby authorized and required to issue separate lists of *venire facias*, directed to the Sheriffs of Clarendon and Sumter Districts respectively, who shall summon the jurors so drawn to appear and serve at their respective courts; and all jurors so summoned who shall fail to attend shall be subjected to the penalties provided by law for defaulters in such cases; and the said Clerk for Sumter District is further required to furnish and deliver to the Clerk who may be elected for Clarendon District the names remaining undrawn of the persons liable to serve as jurors, to be placed in the jury boxes of said District, from which to form and make out other jury lists for succeeding courts.

VI. That Sumter District, from and after the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-seven, shall be confined and limited to the boundaries of Claremont election County, and that all the District officers of Sumter (except the Commissioner in Equity,) who shall be in office on that day, residing within the limits of the District of Sumter, as herein provided, shall be confined and limited in their official capacity, duty and power, to such District.

VII. That the District of Clarendon be, and the same is hereby, attached to the Middle Circuit, and that the Courts of Common Pleas and General Sessions, from and after the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-

A. D. 1855.

Election for
Clerk, Sheriff
and Ordinary.

Tax Collec-
tors and their
duties.

Boundaries
of Sumter Dis-
trict.

Time for
holding courts.

A. D. 1855.

seven, shall be holden at Sumter Court House, for the District of Sumter, on the second Monday after the fourth Monday in March and October of each and every year, to sit for one week at each term, if so much be necessary; and for Clarendon District on the third Monday after the fourth Monday of March and October in each and every year, at Clarendon Court House, to sit for one week at each term, if so much be necessary.

Magistrates,
&c.

VIII. That the Magistrates and Constables residing in Clarendon District, who shall be in office on the first Monday in January, in the year of our Lord one thousand eight hundred and fifty-seven, shall be confined and limited in their official capacity, duty and power, to the said District of Clarendon.

Clerk, Sheriff
and Ordinary.

IX. That the Clerk, Sheriff and Ordinary, to be elected in pursuance of this Act, for Clarendon District, shall, before entering upon the duties of their respective offices, be required to give bond, with sureties, as now required by law in other Districts, the Sheriff in the penal sum of twenty thousand dollars, the Clerk in the penal sum of eight hundred dollars, and the Ordinary in the penal sum of ten thousand dollars.

Appropriation.

X. That the sum of ten thousand dollars be, and the same is hereby, appropriated for the building of a court house, and the further sum of eight thousand dollars for the building of a jail in the said District of Clarendon, and that the Commissioners of Public Buildings, or a majority of them, appointed by this Act, or their successors, shall have power to draw the said appropriations as the same may be required for the erection of said buildings, after having first exhausted the fund derived from the sales of lots authorized to be made under the second Section of this Bill.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4239. AN ACT TO CHANGE THE TIME FOR HOLDING THE ELECTION OF TAX COLLECTOR FOR PICKENS DISTRICT.

Election,
when held.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the election of Tax Collector for Pickens District shall be held on the first Monday in August next, and on the first Monday of the same month, in every fourth year thereafter, instead of on the second Monday in October, as is now provided by law. And it shall be the duty of the Clerk of the Court of said District to give due notice of said election, as he is now required by law to do.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE GRANITEVILLE CEMETERY ASSOCIATION.

A. D. 1855.
 No. 4249.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James Montgomery, B. C. Hard, J. J. Sentelle, A. Platt, Martin Hook, William Gregg, Samuel Glover, and their associates, be, and they are hereby, created and declared a body politic and corporate, by the name and style of the "Graniteville Cemetery Association," for the preservation, regulation and improvement of the burial grounds in the vicinity of Graniteville, consisting of ten acres, more or less, to be dedicated by the Graniteville Manufacturing Company, for the purpose of sepulture, and that the said "Graniteville Cemetery Association" have all powers necessary for the preservation, regulation and improvement of said grounds for the purposes aforesaid, and all other powers, privileges and immunities of bodies politic and corporate forever, with the power of supplying any vacancies in their own body, occasioned by death, resignation or removal from office, or from the State, of any of their members, and with the privilege of owning property, real, personal or mixed, of the value of the acquisition of twenty thousand dollars: *Provided, always,* That no part of the grounds aforesaid, dedicated or conveyed by the said Graniteville Manufacturing Company, shall, on any pretence, be made subject or liable for the debts of the said corporation, and they are hereby declared forever and entirely exempt from liability therefor. And the "Graniteville Manufacturing Company," be, and they are hereby, authorized and empowered to convey to said corporation the grounds to be dedicated and conveyed as aforesaid, for the purposes herein named.

Corporators.
 Powers.
 Proviso.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE ELMWOOD CEMETERY ASSOCIATION."

No. 4241.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the registration of the plat of that portion of land selected for the Elmwood Cemetery, made on the fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty-five, be, and the same is hereby, declared as good and valid as though it had been recorded within sixty days after the passing of an Act entitled "An Act to incorporate the Elmwood Cemetery Company," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four.

Elmwood Cemetery.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1855.

No. 4242.

AN ACT TO ENLARGE THE POWERS OF THE COMMISSIONED OFFICERS OF THE CITY GUARD, AND THE POLICE OFFICERS OF THE CITY OF CHARLESTON.

Officers of the city guard.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any commissioned officer of the city guard, or any one of the police officers of the city of Charleston, shall have power to arrest, without a warrant, any person or persons within the corporate limits of the said city who shall, at the time, be engaged in violating any of the laws of the State, or any one who has been engaged in such violation, and who flies and is immediately pursued; and every such officer of the city guard shall have authority, upon hearing loud and tumultuous noises, leading to the apprehension of riot or breach of the peace, within any house or enclosure in the city, to enter, without warrant and with such force as may be necessary, the house or enclosure wherein such noises are heard.

II. That any privates of the city guard, or other citizens, who may, in the cases provided for in this Act, be called in to the assistance of such commissioned officer of the city guard, shall be entitled to all the immunities and exemptions intended to be secured to the officers aforesaid.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4243. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHANGE THE DAY FOR THE ELECTION OF, AND THE TERM OF OFFICE OF THE MAYOR AND ALDERMEN OF THE CITY OF CHARLESTON, AND FOR OTHER PURPOSES."

Act amended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third Section of an Act entitled "An Act to change the day of election of, and the term of the Mayor and Aldermen of the city of Charleston, and for other purposes," be amended to read as follows: That it shall be the duty of all persons resident in the city of Charleston, and claiming as such to exercise the right of voting at any election for Mayor and Aldermen of said city, to return themselves as citizens, subject to taxation at such time as shall be required by the Ordinances of the city; and all such citizens so returning themselves shall, for the purpose of qualifying themselves to vote as aforesaid, pay to the city, at such time as may be appointed by the Ordinances of the same, their taxes, to the amount of one dollar or more, each, which amount may be paid either as a tax on property returned, or, in cases where there is no

A. D. 1855.

return of property, as a poll tax on the individual citizen; and no person shall be allowed to vote at any city election for Mayor and Aldermen, unless, in addition to the qualifications already required by law, he shall have paid taxes in his own behalf to the amount aforesaid, at the time appointed as aforesaid, and shall, when he is about to vote, produce a receipt or certificate of such payment from the City Treasurer, or other officer duly appointed to receive taxes, at which time it shall be the duty of the Managers of election to make or stamp the said receipt or certificate so that no attempt may be made to use a second time the said receipt or certificate for the purpose of voting at the same election. And it shall not be lawful for the City Treasurer, or other officer, to issue any receipt or certificate, as aforesaid, unless the return made on behalf of the individual applying shall state the residence of the voter, and be attested by the signature of the citizen, in his own person, making such return; or the said citizen for whom return has been made by another shall appear in proper person, pay the tax and claim said certificate; and the City Council are hereby authorized to make any additional regulations which they may deem necessary and proper for the purpose of enforcing the provisions of this Act, and preventing frauds in relation to the same: *Provided*, That the Act requiring voters to register their names shall be, and the same is hereby, repealed.

Proviso.

II. That any person attempting to violate the provisions of this Act, or any Ordinances which shall be made in conformity thereto, shall be deemed guilty of a misdemeanor, and, on conviction, shall be subject to fine and imprisonment, at the discretion of the court.

Penalty.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HAMBURG, PASSED THE TWELFTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

No. 4244.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to incorporate the town of Hamburg," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, be, and the same is hereby, amended in the following particulars, to wit: That the Town Council of the town of Hamburg shall be, and they are hereby, empowered to impose, at their discretion, on all dogs, owned or kept by any person, or on his, her or their premises, within the corporate limits of said town, a tax of not less than one dollar, nor more than five dollars.

Act amended.

A. D. 1855.

II. That the said Town Council shall have power to impose an annual tax of not less than ten dollars, nor more than twenty-five dollars, on each and every insurance company or agency doing business within the corporate limits of the town.

Breach of the peace.

III. That the said Town Council be, and are hereby, authorized and empowered to require the Marshal of said town to apprehend and commit to the guard house, for a term not exceeding twenty-four hours, any white person or persons who, within the corporate limits of said town, may or shall be engaged in any breach of the peace, any riotous or disorderly conduct, in obscenity, public drunkenness, or in conduct grossly indecent or dangerous to the citizens of said town, or any of them, or to the peace and good order of the community. And the said Marshal is hereby authorized to call to his assistance, in the discharge of the foregoing duties, the *posse comitatus*; and any person refusing to obey and assist the said Marshal, shall be fined by the said Council not less than five nor more than twenty dollars.

Auction sales.

IV. That the said Town Council be, and are hereby, authorized and empowered to regulate sales at auction, within the limits of said town, to grant licenses to Auctioneers, and to impose such taxes on sales at auction as they may deem expedient.

Free negroes.

V. That the said Town Council are hereby authorized and empowered to impose on each and every free person of color, coming into the corporate limits of said town to reside, a tax of not exceeding twenty dollars for the first year, and three dollars for each year thereafter; and in case any such free person of color shall refuse or neglect to pay the tax thus imposed, the said Town Council are hereby authorized and empowered to direct the Marshal of said town to seize such free persons of color, and after twenty days' public notice, posted in three conspicuous places, and published for two weeks in some newspaper, to expose such free person of color for sale, as a slave, for the term of one year, or until the fine shall be paid.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4245. AN ACT TO AMEND THE TWELFTH SECTION OF AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS," PASSED THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of

the same, That the twelfth Section of an Act entitled "An Act to incorporate certain societies, associations and companies, and so renew and amend the charters of others," passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, be, and the same is hereby, amended in the following particulars, to wit: First, that the said Hamburg Building and Loan Association shall have power and authority to make loans of money, secured by mortgages upon personal property or other personal security, to their members and stockholders, upon such terms and upon such conditions as the said association is now authorized to make loans upon mortgages of real estate.

A. D. 1855.

Act amended.

II. That the shares shall be one dollar each, instead of one hundred dollars, and that the organization of said association, and all the actings of the same, so far as they relate to the amount of each share, be, and the same are hereby, declared to be legal and valid to all intents and purposes.

Shares.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF UNIONVILLE. No. 4246.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of this Act, all and every person or persons whatsoever, who are constitutionally qualified to vote for members of the Legislature of this State, and who may have resided within the present corporate limits of the town of Unionville for one year, and their successors, are hereby declared to be members of the corporation hereby intended to be created.

Qualifications.

II. That the said persons and their successors shall, from and after the passing of this Act, become a body corporate and politic, and shall be known and called by the name of the town of Union; and its corporate limits shall extend one-half mile in the direction of the cardinal points from the Spartanburg and Union Railroad depot, now in the course of erection in said town, as a centre, and form a square.

Town of Union.

III. That the said town shall be governed by an Intendant and four Wardens, who shall always be freeholders within the limits of said town, who shall be elected on the second Monday of September in each year, ten days' notice being previously given, and shall continue in office for one year, and until the election and qualification of their successors; and that all free white male inhabitants of said town, who shall have attained the age of twenty-one years,

Government.

A. D. 1855.

Election.

and resided therein six months previous to the election, shall be entitled to vote for the said Intendant and Wardens.

IV. That the election of Intendant and Wardens of the said town shall be held in some convenient public place in said town, from ten o'clock in the morning until four in the afternoon, and when the polls shall be closed, the Managers shall forthwith count the votes and proclaim the election, and give notice, in writing, to the persons elected. The Intendant and Wardens, for the time being, shall always appoint three Managers to conduct the election, who, before they open the polls for said election, shall take an oath fairly and impartially to conduct the same. And the Intendant and Wardens, before entering upon the duties of their offices, shall, respectively, take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant or Warden of the town of Union, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been appointed: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Town Council the sum of twenty dollars for the use of said town: *Provided*, That no person who has attained the age of sixty years shall be compelled to serve in either of said offices, nor shall any other person be compelled to serve more than one year in any term of three years.

Oath.

Vacancies.

V. That in case a vacancy should occur in the office of Intendant, or any of the Wardens by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Intendant and Warden or Wardens, as the case may be, ten days' previous notice being given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of the Wardens to act as Intendant during the time.

Powers.

VI. That the Intendant and Wardens duly elected and qualified, shall, during their term of service, severally and respectively be vested with all the powers of Magistrates in this State within the limits of the said town, except for the trial of small and mean causes. And the Intendant shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, or any three Wardens, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Union; and they, and their successors hereafter to be elected, may have a common seal, which shall be affixed to all their Ordinances, may sue and be sued, plead and be impleaded in any court of law or equity in this State, and purchase, hold, possess and enjoy to them and their successors, in perpetuity or for any term of years, any estate, real, personal or mixed, and sell, alien and convey the same, provided the same shall not exceed, at any one time, the sum of ten thousand dollars. And the said Intendant and Wardens shall have full power to make and establish all such rules, by-laws and Ordinances respecting the roads, streets, market and police of said town as shall appear to them necessary and requisite for the security, welfare and convenience of

the said town, or for preserving health, peace, order and good government within the same. And the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of the said corporation: *Provided*, That no fine shall exceed fifty dollars for any one offense, and when any free white person shall be charged with an offense for which a fine of more than twenty dollars is ordained, the said charge shall be heard and determined in an action of debt by summary process, to be brought in the name of the said Town Council, for the recovery of said fine, in the Court of Common Pleas for Union District; and if the fine ordained be not more than twenty dollars the said Town Council, or a quorum thereof, shall have power to hear and determine the said charge and render judgment therein. In all cases of trials to be had before the said Town Council, as hereinbefore provided, the party charged shall be cited to trial by a service upon him of a summons, under the hand of the Intendant, or any one of the Wardens, wherein shall be expressed, with certainty, the offense charged, and the time and place of trial, which service shall be made at least five days before the day of trial.

VII. That all fines imposed by the said Town Council for any violation of Ordinances, or any default in the performance of patrol or street duty, shall be collected by a *feri facias*, or, if that be returned *nulla bona*, by a *capias ad satisfaciendum* under the hand of the Intendant and seal of the corporation, which, if not paid, may be discharged by schedule and assignment, according to the provisions of the prison bounds Act, after giving ten days' notice to the said Intendant and Wardens. And the said Town Council shall have power to procure and compel the attendance of witnesses, by process similar to that which, by law, Magistrates may use in the trial of small and mean causes.

VIII. That the said Town Council shall have power to prevent the violation of its Ordinances by slaves and free persons of color, by ordaining as to such slaves and free persons of color any suitable punishment, not extending to life or member; and all slaves and free persons of color charged with offenses against the Ordinances of the said town shall be tried by the said Town Council, or a quorum thereof, and the judgments and sentences rendered and passed in such trials shall be executed by the Marshal of said town, and the modes of conducting such trials shall be prescribed by the said Town Council by Ordinances for that purpose.

IX. That the Intendant and Wardens of said town shall have full and only power to grant or refuse licenses for billiard tables, to keep taverns or retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same conditions as they now are, or may hereafter be, under the laws of this State. And all the powers vested in the Commissioners of Roads are hereby granted to the said Intendant and Wardens within the said limits. And all moneys paid for licenses and for fines and forfeitures for retailing spirituous liquors, keeping taverns and billiard tables within the said limits, without licenses, shall be appropriated to the public uses of the said corporation: *Provided*, That the Intendant and Wardens, duly elected and qualified, shall not have power to grant any license to keep

A. D. 1855.

Fines, how collected.

Slaves and free persons of color.

Licenses.

A. D. 1855.

tavern or retail spirituous liquors to extend beyond the term for which they shall have been elected.

Roads, streets,
&c.

X. That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and ways within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted to the Commissioners of Roads. And they shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as they shall by Ordinance establish, the money so received to be applied to the public use of the said corporation; and all persons refusing or failing to pay such commutation, shall be liable to such fines and penalties as the said Town Council may impose. And no person residing within the said limits shall be liable to work on any road or bridge without the said limits, or be taxed or assessed for the same. The said Town Council shall have power to impose a tax upon the keepers of tenpin alleys or any other pin alleys, and to grant or refuse licenses for the same upon such terms and conditions, and subject to such regulations as they may by Ordinance establish. They shall also have power to impose a tax within their discretion, on all sales made by itinerant auctioneers, on public drays, wagons, livery stables, vehicles and horses kept for hire within the corporate limits of said town. They shall also have power to impose an annual tax upon the following property in said town, to wit: Upon all real estate, not exceeding twenty-five cents on the value of one hundred dollars, upon all stock in trade not exceeding ten cents on every hundred dollars' worth of the value of said stock, and upon all slaves serving their owners, or hired within the said town, between the ages of twelve and fifty-five years, a tax not exceeding fifty cents each: *Provided*, That where any such slave is a mechanic, a tax not exceeding two dollars may be imposed. And the said Town Council shall have power to appoint three freeholders of the said town to assess the value of real estate therein, upon oath, and return the assessment within one month to the said Council for taxation, and to fill any vacancy occasioned by the death, resignation, refusal to serve, or removal from office of the said Assessors—the money so raised to be applied by the said Town Council to the use of the said corporation; and any person who shall refuse to act as Assessor, upon being appointed by the said Council, shall pay such fine as the said Council may by Ordinance establish. And the said Town Council shall have power to enforce the payment of all taxes and assessments levied by the said Council against the property and persons of defaulters to the same extent, and in the same manner, as is provided by law for the collection of the general State tax, except that executions to enforce the paymunt of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal or other person especially appointed by the said Council to collect the same; and the money so collected shall be applied to the public uses of the said corporation. And all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof in preference to other debts due by the person owning the property at the time of the assessment, except debts due the State, which shall be first paid.

Taxes.

Assessments.

XI. That the said Town Council shall have power and authority

to require all persons owning a lot or lots in said town to make and keep in good repair side walks in front of said lot or lots, whenever the same shall front on or adjoin any public street of said town, if, in the judgment of the Council, such side walk shall be necessary, the width thereof and the manner of their construction to be designated and regulated by the said Council, and for default or refusal, after reasonable notice, to make and keep in repair such side walks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing. And the said Town Council are hereby empowered to sue for and recover the same: *Provided*, That such contract for making or repairing be let to the lowest bidder.

A. D. 1855.

Sidewalks.

XII. That the Intendant and Wardens shall have power, and are hereby authorized, to elect or appoint one or more Marshals, who shall be duly sworn in and invested with all the powers Constables now have by law, and whose jurisdiction and authority shall be confined to the corporate limits of said town. And the said Intendant and Wardens, or any one or more of them, are hereby authorized to require the Marshal of the said town, or any special Constable appointed by said Intendant or Wardens for that purpose, to commit to the jail of Union District, for a term not exceeding twenty-four hours, any person who, within the corporate limits of the said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in conduct grossly indecent or dangerous to the citizens of said town, or any of them. And all persons so imprisoned shall pay all costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided by this Act for the collection of fines imposed for violation of Ordinances: *Provided*, That such imprisonment shall not exempt the party from the payment of any fine which the Council may impose, for the offense for which he may have been committed.

Marshals.

XIII. That the said Intendant and Wardens shall have power to levy and collect such taxes as they may deem expedient, upon all free persons of color residing or employed within the limits of the said town: *Provided*, Such tax shall in no case exceed the sum of five dollars per head.

Taxes.

XIV. That the power and duty of organizing, superintending and regulating the patrol within the limits of said town be, and the same are hereby, transferred to, vested in, and devolved upon the said Town Council, who are hereby vested with full power to make all such Ordinances, rules and regulations relative to the time and manner of performing patrol duty within the said limits, and to impose such fines and penalties for violation thereof as may be necessary to preserve the peace, good order and safety of the inhabitants of said town. No Ordinance, however, shall diminish the quantity of duty which is now or may hereafter be required by law.

Regulation of
patrol.

XV. That the said Town Council shall have power to collect the taxes from all persons representing publicly, within their corporate limits, for gain or reward, any plays or shows of what nature or kind soever, to be used for the purposes of said corporation.

XVI. That all fines which shall hereafter be collected by conviction in the Court of Sessions for retailing without license within

Fines

A. D. 1855. } the corporate limits of said town, shall be paid one-half to the former, and the other half to the said Town Council for the uses of the said corporation.

Board of Health. XVII. That the said Town Council shall have full power and authority to abate all nuisances within the corporate limits, and also to appoint a Board of Health for said town, and to pass all such Ordinances as may be necessary to define the powers and duties of said Board, and to impose fines and penalties upon the members of said Board for neglect of duty or refusal to serve: *Provided*, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars.

Width of streets. XVIII. That all streets hereafter to be opened in the said corporation shall be at least forty feet wide, except where such width cannot be allowed on account of permanent buildings erected or in the course of erection at the time of the opening of the said streets.

Patrol duty. XIX. That the Intendant and Wardens elect shall, during their term of office, be exempt from patrol and street duty. And each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors a full account, under oath, of their receipts and expenditures during their term, and shall pay over all moneys in their hands belonging to the corporation, and deliver up all books, records and other papers incident to their office to their successors, and, on failure so to do, they shall be liable to the punishment prescribed in the twentieth Section of this Act.

Liability of Intendant and Wardens. XX. That for any wilful violation or neglect of duty, malpractice, abuse or oppression, the said Intendant and Wardens, severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment by fine, not exceeding one hundred dollars, besides being liable for damages to any person injured.

Public Act. XXI. That this Act shall be a public Act, and continue in force for twenty years, and until the end of the session of the Legislature then next ensuing. And that all Acts and parts of Acts, heretofore passed, inconsistent with or repugnant to this Act be, and the same are hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4247. AN ACT TO UNITE THE "MORRIS STREET BAPTIST CHURCH," CHARLESTON, AND THE "FOURTH BAPTIST CHURCH," CHARLESTON, INTO ONE CORPORATION, UNDER THE NAME OF THE "CITADEL SQUARE CHURCH."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the members of the Fourth Baptist Church, Charleston, be, and they are hereby, incorporated and made a body corporate and politic, under the name and style of the Citadel Square Church.

A. D. 1855.
 Incorporation.

II. The said Citadel Square Church, hereby incorporated, is hereby invested with all the rights and privileges which have been granted, or which now belong to the "Morris Street Baptist Church," Charleston, and to the "Fourth Baptist Church," Charleston, or to either of them, and shall be liable to pay all the debts and contracts which are obligatory on either of the said churches.

Rights and
 privileges.

III. The said Citadel Square Church shall be empowered to hold real and personal property to the amount of two hundred thousand dollars, and no more.

IV. This Act is hereby declared to be a public Act, and shall continue in force for the term of fourteen years.

Public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO DISBAND THE JAMES' ISLAND BEAT COMPANY.

No. 4248.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, the James' Island Beat Company, attached to the Independent Battalion, be, and the same is hereby, disbanded.

Company dis-
 banded.

II. The officer in command of said Independent Battalion is hereby required to make a correct return to the officer commanding the Eighteenth Regiment of South Carolina Militia, of all persons within the limits of the said beat liable to military or patrol duty. And the said persons are hereby attached and assigned to the adjoining beat in the said Eighteenth Regiment.

Transferred.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXTEND THE KING'S MOUNTAIN RAILROAD.

No. 4249.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by

A. D. 1855.
 {
 Road ex- tended.
 railroad between Yorkville and some convenient point on the North Carolina line, within the limits of Cleveland County, or Gaston County, the King's Mountain Railroad Company are hereby authorized to extend their road to the North Carolina line, to some convenient point, as aforesaid, with the right of passage and way as provided for in their present charter.

Stock in- creased.
 II. That for this purpose the said King's Mountain Railroad Company are hereby authorized to increase the capital stock of said company to an amount not exceeding two hundred and fifty thousand dollars, and that for the purpose of raising said additional stock, it shall be lawful to open books at Yorkville, under the direction of such persons as the President and Directors of the said King's Mountain Railroad Company may appoint, and also at such places and under the direction of such other persons as they may designate.

Shares.
 III. That the shares shall consist of one hundred dollars each, and on each share of the said additional stock subscribed for, the subscribers shall pay to the Treasurer of the said company the sum of five dollars in cash, or in notes of specie paying banks of this State, at the time of subscription, and the balance at such times and in such sums as the President and Directors of the King's Mountain Railroad Company may direct.

Appeals from valuation.
 IV. That in all cases of appeal from valuation to be made by Commissioners, as provided for by the charter of the said King's Mountain Railroad Company, full costs shall be awarded, and the collection thereof enforced as in cases of trespass in the case.

Public Act.
 V. That this Act be, and the same is hereby, declared to be a public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4250. AN ACT TO PROVIDE FOR A UNIFORM SYSTEM OF MEASURING RANGING TIMBER IN THIS STATE.

Measurement.
 I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of March next ensuing after the passage of this Act, all ranging timber bought or sold in the markets of this State, shall be by board or superficial measurement; and any person or persons who shall buy or sell ranging timber in or for the markets of Charleston or Georgetown, or any other public market in this State by the rule known as "side and edge measurement"—that is to say, by adding the side to the edge, multiplying by the length and dividing by twelve, (side + edge × length —:— twelve,) shall be fined for every such act of buying or

selling, not less than one hundred dollars, and not more than three hundred dollars.

A. D. 1855.

II. That from and after the first day of March next ensuing after the passage of this Act, any person or persons who shall exercise the office of Inspector, Surveyor or Measurer of Ranging Timber for the market of the city of Charleston without having first given bond, and duly qualified under the provisions of an Act entitled "An Act for the measuring of timber in the city of Charleston, and creating the office of Inspector or Surveyor thereof," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, shall be fined for every such offense not less than two hundred, and not more than five hundred dollars.

III. That any person or persons exercising the office of Inspector, Surveyor, or Measurer of Ranging Timber, for any market in this State, who shall measure timber by the rule known as "side and edge measurement," described in the first Section of this Act, shall be fined for every such offense not less than two hundred, and not more than five hundred dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT FOR THE BETTER REGULATION OF THE COMMISSIONERS OF CROSS ROADS FOR CHARLESTON NECK. No. 4251.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on the second Monday in January next, and on the second Monday in January of every second year thereafter, an election, by ballot, for five Commissioners of Cross Roads for Charleston Neck shall be held at the corner of the main road and the road leading to Magnolia Cemetery, to be managed and conducted by three persons, to be nominated and appointed by the Commissioners of Cross Roads, in the same manner as by the Managers of election for Members of the Legislature; at which election all persons shall be entitled to vote, who are now qualified by law to elect Commissioners of Cross Roads on Charleston Neck; and the present Commissioners shall continue in office until the second Monday of January next.

Election of
Commissioners
of Cross Roads.

II. That the said Commissioners of Cross Roads, so elected, as before directed, shall meet at some convenient place on the said Neck, on the Monday following their election, at such hours as may be determined upon by them, and elect from their body a Chairman, and shall take the following oath: "As Commissioner of Cross Roads for Charleston Neck, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and

Organization.

A. D. 1855.

will use my best endeavor to carry into effect the purposes for which I have been appointed—so help me God;” and in case of the death, resignation, or removal from the said Neck of any Commissioner, then the said Board of Commissioners, or a majority of them, shall have power to fill such vacancy by appointment, or by ordering a new election to fill such vacancy, until the next general election for said Commissioners shall take place; and the said Commissioners shall meet, for the transaction of business, at such place on Charleston Neck as they may agree upon, at least once a month, or oftener, if necessary; and a majority of said Board shall constitute a quorum for the transaction of business.

Police regulations.

III. That within that part of the Parish of St. Philip's, lying and being without the jurisdiction of the city of Charleston, no person driving a cart, dray, chaise, buggy, carriage, or any other vehicle, shall drive the same or turn a corner faster than a moderate trot, pace, or canter, in any of the main roads or cross roads within the same; and no person shall shoot at any mark or bird, or for any other idle purpose, on any of the public roads, or in any other place or situation, so as to endanger the lives or property of individuals therein, either by frightening their horses or otherwise, under a penalty of five dollars for each and every such offense; if the offender be a white person, or if a slave or free person of color, he or she shall be fined in the sum of two dollars, or suffer corporeal punishment, not exceeding ten lashes, to be imposed, sued for and recovered before any court of competent jurisdiction: *Provided, however,* That any such white person or free person of color, or the owner of such slave, proving to the satisfaction of the Commissioners of Cross Roads that he was compelled to ride or drive faster than is hereinbefore prescribed, the said persons shall be excused from the fines and penalties aforesaid.

Nuisances.

IV. That all shuffle boards, billiard tables, ninepin alleys, or other kinds of games of hazard, skill or chance that should be kept open or in use on Sundays; all horse racing along the public roads or streets; all shooting at marks or birds, or for any other idle purpose, on Sundays, within the limits aforesaid; all stagnant or deleterious pools of water; all injuries done to the public roads or streets, either by obstructing the water courses or otherwise; and all other offenses, acts, or things that now are, or hereafter may be, deemed fineable by law, shall be, and the same are hereby, declared nuisances, and shall be removed or punished as is hereinafter provided for.

V. That from and after the passing of this Act the said Board of Commissioners of Cross Roads that now are, or hereafter may be elected, shall, at any of their meetings, make inquiry of any of the offenses and nuisances before enumerated, and receive such information as may be offered to them, and on being satisfied of their occurrence or existence, or of the occurrence or existence of any or either of them, they shall then, by a summons signed by a majority of them, cite the offender to appear before them on a day and hour named in such summons, and pay a fine not exceeding twenty dollars for each offense, or for the continuation of any nuisance for more than five days, after the first fine for its existence may have been imposed, and due notice thereof in writing have been given, if

Penalties.

A. D. 1855.

it be an offense mentioned in the fourth Section of this Act, and not exceeding five dollars if an offense mentioned in the third Section of this Act, or show cause why the said fine should not be paid; upon neglect of which summons, or on sufficient cause shown to the Commissioners to the contrary, it shall be lawful for the said Commissioners of Cross Roads of Charleston Neck to sue for and recover the said fine in any court of competent jurisdiction, in their own names, by action of debt, and the said Commissioners of Cross Roads respectively, during their term of office, shall be vested, *ex-officio*, with all the powers of Magistrates in this State, within that part of the said Parish of St. Philip's without the jurisdiction of the city of Charleston.

VI. That the said Board of Commissioners of Cross Roads shall hereafter have sole and exclusive power to grant tavern licenses and licenses for retailing spirituous liquors within the said local limits of Charleston Neck; also licenses for keeping billiard tables, ninepin alleys, and all other places where games of chance or skill are played within the said limits: *Provided*, That each license for keeping a tavern, or place where spirituous liquors are retailed under one gallon, shall not exceed sixty dollars; or shall not exceed one hundred dollars where any billiard table or ninepin alley is kept, or game of skill or chance is played.

Licenses.

VII. That the said Commissioners of Cross Roads shall hear all applications for licenses to retail spirituous liquors and to keep taverns, billiard tables, ninepin alleys, and other places where games of chance or skill are played, within the said limits of Charleston Neck, and shall require of every applicant for such license a recommendation as to character, from three responsible freeholders residing in the immediate neighborhood of such applicant on Charleston Neck, and who shall not themselves be traders in spirituous liquors, and the said Commissioners shall reject such applications, or grant such licenses for one year, as to them shall seem meet and proper; and every person who shall obtain such a license shall give bond to the Chairman of said Commissioners of Cross Roads, with two sufficient securities, both of whom shall be substantial freeholders, residents of Charleston Neck, in the sum of one thousand dollars, and conditioned for the observance of all laws in force in relation to the retailing of spirituous liquors, keeping taverns, billiard tables, ninepin alleys or other places where games of skill or chance are played.

VIII. That any person or persons who shall keep a tavern, billiard table, ninepin alley, or any place where games of chance or skill are played, or shall retail spirituous liquors without a license within the said limits of Charleston Neck, shall be subject to all fines and penalties now or hereafter to be prescribed by law; and all said fines incurred within the said limits shall go one-half to the informer, and the other half to the Commissioners of Cross Roads for Charleston Neck, to be appropriated by them as hereinafter prescribed.

Violation of
license laws.

IX. That the said Commissioners of Cross Roads shall have sole and exclusive power to classify and arrange all the inhabitants of Charleston Neck liable to perform patrol duty within the limits of the same, and to appoint patrol leaders for such division of said

Patrol duty.

A. D. 1855.

patrol as they may direct, and to require the performance of patrol duties when necessary, under the same penalties that are now, or may hereafter be established by law.

Fines for non-performance.

X. That the said Commissioners of Cross Roads shall hereafter have power to appoint a committee, consisting of three of their own body, which committee shall hold a court, at such time after the call for patrol duty as may be fixed by the Board, and be mentioned in the summons served, at some place to be appointed by them, for the purpose of deciding upon defaulters reported by the respective patrol leaders, and imposing fines according to law; and each patrol leader on the said Charleston Neck is hereby required, under the penalties imposed for the non-performance of such duty, to render to the said committee his report of all defaulters within three days immediately succeeding the default committed; and all appeals from the said committee to be appointed for trial of defaulters, shall be referred to the entire Board of Commissioners, or a majority of them, whose decision thereon shall be final and conclusive; and for the purpose of appeal, the said Board shall convene at some convenient place, by them to be appointed, on the second Monday of January, March and September of each and every year.

Excuse.

XI. That all summonses to perform patrol duty on Charleston Neck shall state when and where excuses for non-performance of the same shall be made, and whenever any one shall be fined by default, notice of the same shall be left at his house or place of residence on Charleston Neck, within fifteen days after the said fine shall have been imposed by the court, or their agent, so fining such defaulter, which notice must state at what time and place such defaulter may offer his appeal; and it shall be the duty of the Chairman of the said Board of Commissioners of Cross Roads, at the expiration of thirty days after each of the said meetings of the said Board of Commissioners, for the purpose of determining appeals, to issue an execution against all persons fined by said Committee and Board of Commissioners, or by either of them, for default of patrol duty as aforesaid, directed to the Sheriff of Charleston District, in conformity, substantially, with the manner and form now prescribed by law against the property and person of such defaulters in patrol duty, which execution shall be executed by the Sheriff, agreeably to the Acts providing for the collection of militia and patrol fines, and for which the Sheriff shall be entitled to the same fees and charges. And the said Sheriff shall account with and pay over to the Treasurer of the said Board of Commissioners, quarterly, all amounts collected under such executions, subject to the same penalties as are now imposed by law on Sheriffs for the non-payment of patrol fines: *Provided*, Any person on whom any fine for default of patrol duty shall be imposed, as herein directed, shall be permitted to pay such fine to the Treasurer of the said Board of Commissioners within twenty days' after the imposition or decree of said fine.

Assessments.

XII. That the said Commissioners of Cross Roads shall have power to assess any sum not exceeding twenty-five per cent. on the general tax upon the property within that part of St. Philip's Parish, lying out of the jurisdiction of the city of Charleston; and all the taxes assessed by the said Commissioners of Cross Roads in pur-

suance of their said powers, shall be handed over to the Tax Collector of the Parishes of St. Philip's and St. Michael's, on or before the first day of March annually; and the said Tax Collector is hereby instructed to collect, or cause to be collected, the said assessments, in the same manner and under the same penalties that he collects, or causes to be collected, all other taxes.

XIII. That if the said Tax Collector for St. Philip's and St. Michael's shall neglect or refuse to pay such money as he may have collected, as aforesaid directed, within five days after the first Monday in July of each and every year, if applied to by the said Commissioners, or their authorized agent, he shall be liable to pay five per cent. per month upon such amounts; and the Chairman of the said Board of Commissioners of Cross Roads shall bring suit for the same, and should he recover it in any court having jurisdiction thereof, he shall recover treble costs, to be appropriated as hereinafter prescribed.

XIV. That all sums collected by said Commissioners of Cross Roads, whether by assessment, taxation, the granting of licenses, or the imposition and recovery of patrol and all other fines, shall be by them appropriated, not only to keep in repair the streets and cross roads within the limits of Charleston Neck, but to all such purposes as shall be deemed by them necessary to promote the health, safety and good government of said inhabitants.

XV. That the said Commissioners of Cross Roads shall, on the fifteenth day of August in each and every year, publish a full account of their receipts and expenditures, a copy of which, certified by the Chairman of said road, shall be handed in for record to the Clerk of the Court of Common Pleas for Charleston District; upon failure to comply with which, the said Board of Commissioners shall each forfeit a sum not exceeding five hundred dollars, to be recovered by the said Clerk of the Court of Common Pleas before any court of competent jurisdiction, which sum shall be appropriated as directed in the foregoing clause of this Act.

XVI. That it shall be the duty of the said Commissioners, at their first meeting after the passing of this Act, and at their first general meeting after their election, to elect some person as Clerk and Treasurer, who shall enter into bond, with sureties to be approved by a majority of said Commissioners, payable to the State of South Carolina, in such penal sum as the said Commissioners shall deem sufficient for the faithful discharge of the duties of his office, which bond shall be deposited with the Treasurer of the Lower Division; and it shall be the duty of the said Treasurer to return to the Clerk of the Court of Common Pleas for Charleston District, an account of all moneys due to the said Commissioners, as well as on account of all the receipts and expenditures, at the same time, and in the same manner as is now by law required of the Treasurer of the several Boards of Commissioners throughout the State; and for neglect of this duty shall be liable to the same pains and penalties to which the said Treasurers are now liable; and the said Treasurer shall have and receive for his trouble such compensation as the said Commissioners may agree upon.

XVII. That the said Commissioners of Cross Roads may, at their discretion, elect a Town Marshal or Marshals to perform such duties

A. D. 1855.

Tax Collector.

Duties of
Commissioners
of Cross Roads.

Marshals.

A. D. 1855.

as said Commissioners may direct, for the enforcement of all the police regulations and restrictions hereinbefore enacted, with such compensation as the said Commissioners shall deem reasonable, which said Marshal or Marshals may appoint, under him or them, such and such number of deputies as he or they may choose, and the said Commissioners approve, to aid him and them in enforcing the said police regulations and restrictions. And such Marshal or Marshals, and his or their deputy or deputies, shall, on and after the first day of March next, be authorized and required to seize or kill any hog or hogs, sheep or goats, going at large within the limits aforesaid, saving and except such as are driven to market; and that every hog, sheep or goat so taken or killed, shall be forfeited by law to the said Marshal or Marshals, who shall take and keep the said hog, sheep or goat, or the same to sell and dispose of, applying the proceeds thereof to his or their own use, as a perquisite of office, without question or claim from any person or persons whatever; and it shall be the duty of the said Marshal or Marshals to give two months' notice, in two or more of the daily newspapers of the city of Charleston of this law previous to proceeding to execute the same. And it shall be lawful for the said Marshal or Marshals, and any and each of them, upon view or complaint, by any white person, of any offense against the third Section of this Act, in shooting, driving or riding within the said limits contrary to the provisions of the said third Section, to arrest and bring the offender or offenders before any of the said Commissioners of Cross Roads, which Commissioners shall thereupon require of the offender the penalty for the offense, to be paid, or sufficient security to be given in and by a bond, with surety or sureties, to answer the same with costs of suit, in the event of the recovery thereof, as is hereinbefore provided; and the said Commissioner may accept, in lieu of such bond, or until such bond be given, a pawn or pledge of the said offender sufficient therefor.

Wharves and
piers.

XVIII. That the said Commissioners of Cross Roads shall have power to fix and determine the site of all wharves or piers to be built for the purpose of landing, and the distance or extent of which they may be allowed to encroach upon any river, creek, or navigable stream within the said limits, below low water mark; and the said Commissioners shall hereafter also have and exercise all the powers and duties of Commissioners of the Poor within the said limits; and they shall be exempt from all ordinary militia duty; and all persons now holding office under the present Board of Commissioners of Cross Roads, shall continue in the same for the term for which he or they may have been elected.

Act, when of
force.

XIX. That this Act shall go into force on the first day of January next, and the present Board of Commissioners of Cross Roads shall be, and they are hereby, fully invested, and their Marshal or Marshals, and his or their deputies shall be, and they are hereby, fully invested, to all intents and purposes whatsoever, with all the authority and powers conferred by this Act upon them, according to the provisions thereof, and the organization of the same thereby established.

XX. That all Acts, and parts of Acts, and clauses of Acts, here-

tofore passed for regulating the said Commissioners of Cross Roads, be, and the same are hereby, repealed.

A. D. 1855.



In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS. No. 4252.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the officers and members of the following societies, associations and companies, to wit: The Sumter Fire Engine Company; the Calhoun Hook and Ladder Company, of Georgetown; the Butler Guards, of Greenville, and the Edisto Rifles, of Orangeburg, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each of them hereinafter respectively assigned.

Societies, &c.,
 incorporated.

II. That the said societies, associations and companies, according to their respective by-laws, shall have succession of officers and members, and shall have power respectively to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any court of this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of ten thousand dollars.

Powers, &c.

III. That the charter of the Charleston Chamber of Commerce be, and the same is hereby, revived and renewed for the term of fourteen years, and that all the Acts of the Charleston Chamber of Commerce done in its corporate capacity since the expiration of their former charter, be, and the same is hereby, confirmed and declared as good and valid as if the former charter had not expired.

Charleston
 Chamber
 of
 Commerce.

IV. That the charter of Palmetto Lodge, No. 5, of the Independent Order of Odd Fellows, of the State of South Carolina, be, and the same is hereby, extended to the term of twenty-one years from and after the expiration of their present charter.

Palmetto
 Lodge.

V. That the charter of the Yorkville Fire Engine Company be so amended that the members of the said company, not exceeding

Yorkville Fire
 Engine Com-
 pany.

A. D. 1855.

fifty in number, shall be exempted from ordinary militia duty, but shall be liable to perform duty in time of alarm, insurrection or invasion, and shall not be exempted from draft for actual service. That the members of the Sumter Fire Engine Company shall be entitled to the same exemptions, and subject to the same liabilities, as are herein conferred and imposed upon the members of the Yorkville Fire Engine Company.

South Carolina Building and Loan Association.

VI. That the charter of the South Carolina Building and Loan Association be, and the same is hereby, so amended that, in addition to the loans to be made, as now therein provided, the said corporation shall be authorized and empowered to make loans and advances of money to their members as heretofore, on the security of the stocks of the United States, of the State of South Carolina, of the city of Charleston, and of the several chartered banks of this State.

Charleston Building and Loan Association.

VII. That the charter of the Charleston Building and Loan Association be, and the same is hereby, so amended that the corporation shall, in addition to the powers now possessed of making loans and advances on the security of real estate, be authorized and empowered to make such loans and advances on the security of personal property.

Mount Ina Mining Company.

VIII. That Henry W. Kuhlman, Robert Mure, H. Jessen, John A. Wagner, Diedric Bieman, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Mount Ina Mining Company," for the purpose of exploring for iron, copper and other ores, minerals and metals, and for mining, working, smelting, manufacturing and vending the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law or equity whatsoever, in all suits and actions; may have a common seal, and the same to alter at pleasure; and may purchase, hold or convey real estate, and enjoy and have all the privileges incident to corporations.

IX. That the first meeting of said corporation may be called by the persons named in this Act, at such time and place as may be agreed upon by the persons named in this Act; and at said meeting, and at all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State or the United States.

X. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient; and the said corporation may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, in such manner as the by-laws may direct.

XI. That the Directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their places of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually

paid in; which books shall, during the business hours of each secular day, be open at the place of business of said company for the inspection of the stockholders and creditors of the company and their representatives.

A. D. 1855.

XII. That the said corporation shall not contract any debts until one hundred thousand dollars of the capital stock is paid in, no part of which shall be withdrawn or in any manner diverted from the business of the company; and shall not contract debts at any time to an amount exceeding the amount of capital stock actually paid in.

XIII. That the Charleston Insurance and Trust Company be, and the same is hereby, re-chartered for the term of twenty-one years from and after the expiration of its present charter, with all the rights, powers and privileges heretofore granted to said company.

Charleston
Insurance and
Trust Com-
pany.

XIV. That the second Section of an Act entitled "An Act to reduce the capital of the Charleston Insurance and Trust Company," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-three, be, and the same is hereby, so amended that at least two hundred and fifty thousand dollars of the capital of the said company shall be permanently invested in stocks of this State, or of the city of Charleston, or in any other good stocks of incorporated companies within this State; and the said company may transfer and sell said stock, or any part thereof, for the purpose of re-investment whenever a due regard to the safety of its funds may require.

XV. That the charter of incorporation granted to S. T. Gaillard and others, under the name of the Plantersville Society, by an Act ratified on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, be amended as follows: "That is, that S. T. Gaillard, J. Rees Ford, J. P. Ford, J. R. Sparkman, George T. Ford, and all others, citizens of the State, who now have, or may hereafter acquire, any estate in fee or for a term of not less than five years in any lot or portion of lot within the limits of the summer settlement known as Plantersville, and the land adjoining, more particularly designated and described in a plat of the same, drawn by Thomas Petigru, dated eighth of April, one thousand eight hundred and thirty-nine, be, and they are hereby, declared a body politic and corporate, by the name and style of the Plantersville Society, for the purpose of establishing and enforcing such a police and such rules and regulations as may be deemed advisable to preserve the health and good order of the said settlement in the said limits. That the said Plantersville Society shall have power to make and use a common seal, and the same to alter at pleasure; to sue and be sued by the said name in any court of law and equity; to make all such rules and by-laws for the good management of their affairs, and for the enforcement of such sanitary regulations and the preservation of health and good order within the limits above described, as they may think proper and advisable, and to impose all such fines and penalties on residents and others, within the said limits, as they may think proper: *Provided*, Such fines shall not exceed twenty dollars, to be recovered before any neighboring Magistrate. And the said Plantersville

Plantersville
Society.

A. D. 1855.

Society shall also have power to provide for the punishment of slaves and free persons of color, by whipping and imprisonment, not exceeding twenty-nine lashes or one month's imprisonment, to be enforced by any court of Magistrates and freeholders.

Edisto Island
Wharf and
Bridge Com-
pany.

XVI. That William Eddings, J. J. Murray, William M. Murray, Thomas Bailey and William Seabrook and their associates, be, and are hereby, declared a body politic and corporate, by the name and style of the "Edisto Island Wharf and Bridge Company." That the said company are hereby authorized and empowered to erect and build a wharf in North Edisto River, at a sufficient depth of water for steamboats and other craft to lay alongside of it, and to connect said wharf with the main land on Edisto Island, by a bridge from said wharf to the terminus of the public road at the point of Pine Landing, on said island; and the said company are hereby authorized and empowered, in the event of either the said wharf or bridge being destroyed or injured by fire, gales, or in any other manner, to rebuild and repair the same whenever it may become necessary; and the said company are authorized to levy and collect such reasonable toll and wharfage from steamboats and other craft, carrying persons or freight for compensation, as may be sufficient to compensate them for building and keeping in repair said wharf and bridge: *Provided*, That nothing herein contained shall be construed to exempt said corporation from liability to make compensation, to be ascertained by due process of law, in case said corporation shall take or use private property as a site for their said bridge and wharf. But notwithstanding any claim for compensation, the said corporation may begin and continue the construction of their said bridge and wharf.

Greenville
and Spartan-
burg Magnetic
Telegraph
Company.

XVII. That Samuel F. B. Morse, Josiah H. Edwards and Robert S. Pomeroy, and such other persons as now are or hereafter may be associated with them, including the subscribers in this State, who have acquired from the said Samuel F. B. Morse the right to construct and carry on the Electro-Magnetic Telegraph by him invented and patented, through this State and other States on the route leading from Columbia, in the State of South Carolina, be, and they are hereby, made and declared a body politic and corporate in law for the purpose of constructing, erecting and maintaining a line of the said telegraph on the route leading from Columbia to Greenville, in the State of South Carolina, and running through the towns of Newberry and Laurens, in the said State; also of constructing, erecting and maintaining a line of the said telegraph from Spartanburg to Allston, in the State of South Carolina, running through the town of Union, in the said State, and of transmitting intelligence by means thereof, by the name and style of the "Columbia, Greenville and Spartanburg Magnetic Telegraph Company."

Capital stock.

XVIII. That the capital stock of the said company shall consist of nineteen thousand four hundred and seventy dollars in shares of fifty dollars each, to be issued to the stockholders of the above mentioned company, or who may thereafter contribute funds for the construction and improvement of the said line of telegraph in such proportions as the said owners and subscribers may agree upon.

XIX. That the President and Directors, Secretary and Treasurer shall hold their respective offices for one year, and until their suc-

cessors, respectively, shall be elected, and shall exercise such powers pertaining to the building and management of the said telegraph not repugnant to or incompatible with the Constitution and laws of this State and the United States as may be authorized by the by-laws of the said Constitution.

XX. That at every election each share shall entitle its holder to one vote. Absent stockholders may vote by agents or proxies, producing written authority from them.

XXI. That the Columbia, Greenville and Spartanburg Telegraph Company, hereby incorporated, shall have power and authority to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any action, suit or proceeding whatever, in any court of law or of equity having competent jurisdiction; to make and use a common seal, and the same to alter at pleasure, to purchase and hold such real estate as the lawful purposes of the said corporation may require, and the same to sell and convey, alien, or in anywise dispose of, in whole or in part, when no longer so required; to appoint such officers and agents as may be necessary to manage the business of the said corporation, and allow them a suitable compensation therefor; to make by-laws not repugnant to the laws of the land, and generally to use, exercise and enjoy all the rights, privileges and franchises which are incumbent or appertain to incorporate bodies.

XXII. That the said corporation shall have power and authority to contract with any person or persons, or bodies corporate, for the purpose of connecting its lines of telegraph with lines out of this State.

XXIII. That the Columbia, Greenville and Spartanburg Telegraph Company shall have power and authority to set up their fixtures along and across any high road which now or may hereafter belong to the State, and any waters or courses of this State, without the same being held or deemed a public nuisance, or subject to be abated by any private person: *Provided*, The said fixtures be so placed as not to interfere with the common use of such roads, waters, or water courses, or with the convenience of any land owner, further than is unavoidable; and the said corporation shall be responsible for any damages which any corporation or any private person shall sustain by the erection, continuance and use of any such fixtures; and in any action brought for the recovery thereof by the owner or occupier of any lands, the damages to be awarded may, at the discretion of the said corporation, include the damage of allowing the said fixtures permanently to continue, on the payment of which damages the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit: *Provided*, That no person or body politic shall be entitled to sue or recover damages as aforesaid, until the said corporation, after due notice, shall have refused or neglected to remove the fixtures complained of within a reasonable time; and every person or persons who shall destroy or commit any trespass upon the fixtures of the said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt, the operations of the telegraph of said corporation, shall pay the said corporation the sum of five hundred dollars for each and every such trespass, and shall be further liable for all damages which said corporation may suffer

A. D. 1855.

Powers.

A. D. 1855.

in repairing the injury and in the interruption of its business, to be recovered in an action of trespass, and shall be further liable to indictment, and on conviction, shall be fined and imprisoned, or both, at the discretion of the court in which such indictment shall be tried. And if any person incurring the penalty aforesaid shall, through insolvency, or any other cause, be unable, or shall fail to pay the penalty and damages aforesaid, and shall a second time destroy or commit a trespass upon any such fixtures as aforesaid, such person shall be subject to be imprisoned for not less than one month nor more than six months, upon being duly convicted thereof before any court of competent jurisdiction.

Duties and liabilities.

XXIV. That the said corporation shall be bound, upon application of any of the officers of this State or of the United States acting in the event of any war, insurrection, riot, or other civil commotion or resistance of public authority, or in the punishment or prevention of crime, or the arrest of persons charged or suspected thereof, to give to the communication of such officers immediate dispatch. And if any officer, clerk, or operator of said corporation shall refuse or willingly omit to transmit such communication, or shall designedly alter or falsify the same for any purpose whatever, he shall be subject, upon conviction thereof before a court of competent jurisdiction, to be fined and imprisoned, according to the discretion of the court, and in proportion to the aggravation of the offense. For transmitting such communications the said corporation shall charge no higher price than shall be usually charged by it for private communications of the same length.

Exemptions.

XXV. That the clerks and operators actually engaged in the transmission of intelligence at the several telegraph stations of the said company, shall be, and they are hereby, exempted from the performance of any jury, militia, or patrol duty.

Legal process.

XXVI. That the service of the process of any court of this State shall be legal and valid on said body politic and corporate, if the same shall be left at the office of the company within any District of this State: *Provided*, The President of the company is absent from and beyond the limits of the said District. And this Act shall be deemed a public Act, and that it shall continue of force for fourteen years, and no longer.

XXVII. That this Act be, and the same is hereby, declared to be a public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4253. AN ACT TO REPEAL THE PROVISIO TO THE FIRST SECTION OF AN ACT ENTITLED "AN ACT RELATING TO THE SURVEY OF THE COAST OF SOUTH CAROLINA, UNDER THE AUTHORITY OF THE UNITED STATES."

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

the same, That the proviso to the first Section of an Act entitled "An Act relating to the survey of the coast of South Carolina, under the authority of the United States," ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-seven, in which persons employed in the said coast survey are required to enter into bond before entering on the lands of any land owner, for the purpose of such survey, be, and the same is hereby, repealed: *Provided, nevertheless,* That nothing herein contained shall be so construed as to release the person or persons so employed from liability to pay the owners of such lands damages for any unnecessary injury which may be done to said lands by such person or persons after entering on the same, which damages shall be ascertained and fixed in the manner provided by the second and third Sections of the aforesaid Act.

A. D. 1855.
 Act repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE SAVANNAH RIVER VALLEY RAILROAD COMPANY, AND FOR OTHER PURPOSES. No. 4254.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Savannah River Valley Railroad Company be, and the same is hereby, so altered and amended as to authorize the said company to connect with the South Carolina Railroad in Augusta, and for that purpose to cross the Savannah River at or above Bull Sluice, and to combine with any company incorporated for the same object by the State of Georgia: *Provided, however,* That the said company shall release all State aid heretofore granted: *And provided, further,* That the stockholders of the town of Hamburg, and the corporation of the town of Hamburg, and also all other stockholders of said company, shall have the privilege, within sixty days from the first day of January next after the passage of this Act, to withdraw their stock in said company if they choose so to do: *And provided, also,* That the retiring stockholders shall first pay their rateable proportion of any expenses incurred by the said company before they had retired: *And provided, further,* That the connection with the South Carolina Railroad Company be lawfully established by steam communication or other locomotive power, and a common track and depot in the city of Augusta.

Charter amended.

II. That the company shall be authorized to construct a branch road from some convenient point on the main trunk of said rail-

Branch to Abbeville.

A. D. 1855.	road to Abbeville Court House, and to unite at that place with the Abbeville branch of the Greenville and Columbia Railroad, and also to build a branch from the same point on the main road, to and across the Savannah River, at or near Vienna, in the direction of Washington, Georgia, with full power to connect with any railroad now chartered, or hereafter to be chartered, by the State of Georgia, to extend from Washington, Georgia, to the Savannah River at or near Vienna.
Name.	III. That the name and style of said company shall be changed to the Savannah Valley Railroad Company.
Term of charter.	IV. That the exclusive right to build, keep up and use the said railroad, and its several branches, and the conveyance and transportation thereupon shall vest and continue in the said company for and during the term of thirty-six years, and after the lapse of the said term of thirty-six years the said Savannah Valley Railroad Company shall be and remain incorporate, and be vested with all the rights, powers and privileges as to their own works herein granted and secured, except that the Legislature may authorize the formation of other companies, and the construction of other railroads, for the trade and intercourse contemplated therein; but the Legislature may renew and extend the exclusive right of said Savannah Valley Railroad Company upon such terms as may be prescribed by law and accepted by said company.
Exemption.	V. That the said Savannah Valley Railroad Company shall be, and is hereby, exempt from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles upon which charters of incorporation will hereafter be granted," ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one.
When of effect.	VI. This Act shall be of no effect until a direct communication by steam or other locomotive power, and cars and a common track and depot between the Georgia Railroad and the South Carolina Railroad be established or secured.
	VII. That the Savannah Valley Railroad Company have full power to connect with the Blue Ridge Railroad at Anderson; and nothing in this Act, or in the original charter shall prevent any Railroad in South Carolina from connecting with the said Savannah Valley Railroad. And the Directors of the said company may re-open the books to receive subscriptions to the capital stock at such times and places as they shall see fit.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

BOBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CHARTER THE EDGEFIELD RAILROAD COMPANY.

A. D. 1855.

No. 4255.

Incorporation.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad, on the most practicable route, from the town of Edgefield, South Carolina, through or near the town of Hamburg, to Augusta, Georgia; and from the town of Edgefield to New Market, or some other point on the Greenville and Columbia Railroad: *Provided*, The Greenville and Columbia Railroad Company shall fail to build, within the time limited by their amended charter, an extension of their road from some point on their main trunk west of Saluda river, to connect with the South Carolina Railroad at or east of Aiken, to be called "The Edgefield Railroad Company."

Capital stock.

II. That for the purpose of raising the capital stock of said company, it shall be lawful to open books in the town of Edgefield, under the direction of Samuel Brooks, R. T. Mims, George A. Addison, Simeon Christie and Lewis Jones, for the purpose of securing subscriptions to an amount not exceeding five hundred thousand dollars, in shares of twenty-five dollars each, to constitute a joint capital stock for the construction and carrying into operation the railroad herein by this Act provided for; that the times and places for receiving subscriptions shall be fixed by the Commissioners of the town of Edgefield, and shall be advertised for thirty days in the Edgefield Advertiser and such other gazettes as the Commissioners may judge proper; and the books for receiving subscriptions shall be kept open for sixty days at each of the places where they shall be opened; that on each share of the stock subscribed for the subscribers shall pay to the Commissioners who shall receive the same, two dollars in specie, or in the notes of specie paying banks, the said Commissioners giving a receipt or certificate for the same, and on the non-payment of said instalment the subscription shall be void; and at the expiration of the time hereby prescribed for keeping open the said books the Commissioners shall deposit the sums received by them on said cash instalment in some specie paying bank in the State of South Carolina; and the said Commissioners shall make a return of the subscriptions taken by them, and the sums taken thereon, to the Commissioners in the town of Edgefield; and the said company is hereby authorized to construct a railroad from the town of Edgefield, South Carolina, through or near to the city of Augusta, Georgia, on the Savannah River, and from Edgefield to New Market, or some other point on the Greenville and Columbia Railroad, subject to the proviso hereinbefore made, such point to be hereafter selected by the stockholders.

III. That if, at the expiration of the time prescribed for receiving subscriptions, it shall appear that the sum of three hundred thousand dollars or more of the capital stock has been subscribed, it shall be the duty of the Commissioners named in this Act, or a majority of them, to make known the fact by advertisement in some public paper or papers, and to call a meeting of the subscribers at such time and place as they shall appoint and designate,

A. D. 1855.

of which thirty days' notice shall be given; but if the sum of three hundred thousand dollars shall not be subscribed within the time appointed, the said Commissioners herein named, or a majority of them, may, at their discretion, again open the books to receive further subscriptions for said capital stock, and keep them open for such time, and at such places, and at such intervals as they shall think proper and fit; and the like course shall be pursued by the Commissioners on the second opening of said books as are prescribed as to the first opening of them; and if the whole amount of the capital stock shall not be subscribed on the first and second opening of said books, then the said books may be closed or kept open as a majority of the said Commissioners shall think fit, and for such a period of time as they may prescribe: *Provided*, That if upon the first and second opening of said books the sum of three hundred thousand dollars shall be subscribed the power to keep open said books shall be transferred to and vested in the subscribers of said stock, or the President and Directors whom they shall appoint, and not in the Commissioners: *Provided, also*, That neither the said Commissioners, nor the subscribers of said stock, nor the President and Directors shall have power to keep open said books and to secure subscriptions for a longer period than two years from the ratification of this Act.

IV. That whenever the sum of three hundred thousand dollars of said capital stock shall be subscribed for, in manner aforesaid, the subscribers, their executors, administrators or assigns shall be, and they are hereby, declared to be a body corporate and politic, by the name and style of "The Edgefield Railroad Company," and by that name shall be capable, in law and equity, of purchasing, holding, selling, leasing and conveying estates real, personal and mixed, and acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope and object of this charter, and shall have perpetual succession, and by this corporate name may sue and be sued, plead and be impleaded in any court of law or equity in South Carolina, and shall have and use a common seal, which they may alter and revise at pleasure, and shall have and enjoy all other rights, privileges and immunities which other corporate bodies may of right exercise, as far as may be necessary for accomplishing the objects designed by this Act; and may make all and such by-laws, rules and regulations not inconsistent with the laws of the United States and of the State of South Carolina, as shall be deemed necessary for the well-ordering and conducting the affairs of the company.

V. That when the sum of three hundred thousand dollars shall be subscribed, and public notice given thereof, as aforesaid, the subscribers for said stock shall meet at some convenient place and time, to be designated and advertised as in the second clause of this Act. At such meeting, or any general meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following, to wit: The owner of one or two shares shall be entitled to one vote, the owner of three or four shares shall be entitled to two votes, the owner of five or six shares shall be entitled to three votes, the owner of seven or eight shares shall be entitled to four votes, the owner of not less than nine nor more than eleven

A. D. 1855.

shares shall be entitled to five votes, the owner of not less than twelve nor more than fifteen shares shall be entitled to six votes, the owner of not less than sixteen nor more than twenty shares shall be entitled to seven votes, the owner of not less than twenty-one nor more than twenty-six shares shall be entitled to eight votes, the owner of not less than twenty-seven nor more than thirty-three shares shall be entitled to nine votes, the owner of not less than thirty-four nor more than forty shares shall be entitled to ten votes, and the owner of shares above forty shall be entitled to one vote for every ten shares above forty, to be given by the stockholders in person, or by proxy, in all elections and upon all matters to be submitted to the decision of the company; and to constitute a meeting of the stockholders authorized to make elections, or to decide upon any matter upon which it shall be necessary for the stockholders to act as a company, a majority of all the shares shall be represented by the stockholders themselves, by his, her or their proxy or proxies, and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time until a regular meeting shall be formed.

VI. That the proprietors of stock at the general meeting above directed, and at every annual meeting thereafter, shall elect a President (who shall be a citizen of South Carolina,) and eight Directors (four of whom shall also be citizens of South Carolina,) who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected and shall enter upon their duties; but the said President and any of the Directors may be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general or called meeting. The President, with any five or more Directors, (or in the event of the sickness, inability, or absence of the President, any six or more of the Directors, who shall in such case appoint one of their number President *pro tempore*.) shall constitute a Board for the transaction of business. In case of a vacancy in the office of President, or any Director, from death, removal, resignation, or inability, the vacancy may be filled by the appointment of the Board until the next annual meeting.

President and Directors.

VII. That there shall be annual meetings of the proprietors of stock at such times and places as the preceding annual meeting shall have appointed. At such, or any special meeting, proprietors of stock may attend and vote by proxies, under such regulations as the by-laws may prescribe: *Provided*, That in no case shall the President vote under the authority of another stockholder, nor shall any officer or agent of the company be the proxy of a stockholder. All and every proxy made to the President, or any officer of the company, jointly with another or with others, shall be void.

Annual meeting.

VIII. That special meetings of the company may be called by the President and Directors, or a majority of their Board assembled as such, and they shall be called whenever twenty members or more, owning together two hundred shares, shall require it: *Provided*, That public notice shall first be given of the time and place of such meeting, and of the object for which it is called, unless the interest of the company requires that the cause of convening the meeting shall not be published: *And provided, also*, That either in person or

Special meeting.

A. D. 1855.

Powers, &c.

by proxy, there shall be present at the meeting a number of persons owning together a majority of the stock.

IX. That the President and Directors of the said company shall be, and they are hereby, vested with all the rights and powers necessary for the construction, repair and maintaining a railroad on the route aforesaid; and the said President and Directors may cause to be constructed for the said company all works whatever that may be deemed necessary and expedient for the successful and proper completion of the said railroad. They may appoint a Secretary and Treasurer, and other officers, and take from them bonds and security for the faithful performance of their duty, which said bonds shall be made payable to the company; but the salaries or other compensation shall be regulated by the stockholders in general meeting, and during the intervals between the general meetings of the stockholders, the President and Directors may transact all the business of the company under the limitations and restrictions aforesaid.

Contracts.

X. That the President and Directors shall have power to make contracts with any person or persons on behalf of the said company for making the said railroad and performing all other work connected with the same; and they shall have power to receipt the cash instalments received by the Commissioners on subscribing for stock, and their receipt for the same, being in deposit in bank, shall be a legal discharge. And in the event any of the Commissioners may have failed to deposit the amount received of the cash instalment in bank as requested, the said defaulting Commissioners shall pay over the same to the President and Directors; and if on demand they fail to do so, the said President and Directors may commence suit thereon against the said defaulting Commissioners, by petition, in any of the courts of law.

Shares.

XI. That if any of the stockholders shall fail to pay over the instalment required of him on his share or shares by the President and Directors, or a majority of them, within one month after the same shall have been advertised in the public print at Edgefield, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and convey to the purchaser the share or shares of such stockholders so failing or refusing, giving twenty days' notice of the time and place of sale; and after retaining the sum due, and all expenses incident to the same out of the proceeds, shall pay the surplus to the former owner or his legal representative or assigns; and any purchaser of the stock of the company, under the sale by the President and Directors as aforesaid, shall be subject to the same rules and regulations as the original proprietor, and no sale by the original proprietor of stock or his assignees, shall release the original proprietor from his original obligation to the company to pay the whole amount of his subscription; and in addition to the foregoing remedy, the President and Directors may proceed by action of assumpsit or debt in any of the courts of law in South Carolina for the recovery of instalments due and not paid by any delinquent stockholder or his assignee, who shall not pay the same on requisition made in manner and form aforesaid.

XII. That if the capital stock of the company shall be found

insufficient for the purposes for which said company is formed or incorporated, it shall and may be lawful for the said company, at some general meeting by vote of the stockholders, from time to time, to increase the capital stock to an amount not exceeding ten hundred thousand dollars by the addition of as many shares as may be necessary for that purpose, in the same way and manner as the original stock is herein directed to be raised.

A. D. 1855.
 Increase of
 capital stock.

XIII. That the President and Directors shall have power to borrow money for the objects of this Act, to issue certificates or other evidence of such loans, and to make the same convertible into the stock of the company, at the pleasure of the holders: *Provided*, That the capital of the company shall not be increased thereby to an amount exceeding ten hundred thousand dollars.

Loans authorized.

XIV. That the said President and Directors, their officers, agents and servants shall have full power and authority to enter upon all lands and tenements through which they desire to conduct their railroad, and to lay out the same according to their pleasure, so that the dwelling house, yard, garden or grave yard of no person be invaded without his consent, and that they shall have power to enter in and lay out such contiguous lands as they may desire to occupy as sites for depots, toll houses, warehouses, engine sheds, work shops, water stations and other buildings for the necessary accommodation of their officers, agents and servants, their horses, mules and other cattle, and for the protection of the property entrusted to their care: *Provided, however*, That the lands so laid out on the line of railroad shall not exceed (except at deep cuts and fillings) two hundred feet in width, and that at such deep cuts and fillings shall not exceed a width sufficient for constructing of banks and deposits of waste earth; and the adjoining lands for sites of buildings, unless the President and Directors can agree with the owner or owners for the purchase of the same, shall not exceed five acres for any one parcel.

Right of way.

XV. When any lands or right of way may be required by the said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five Commissioners, or a majority of them, to be appointed by any court of record having law jurisdiction in the District where some part of the land or right of way is situated; and the said Commissioners, before they act, shall severally take an oath before a Magistrate or Justice of the Peace, faithfully and impartially to discharge the duty assigned them; and in making said valuation the Commissioners shall take into consideration as well the benefits, as the loss or damage which may occur to the owner or owners, in consequence of the right of way being surrendered, or the land being taken. The proceedings of the said Commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of said Commissioners, to the court from which the commission issued, there to remain of record. And the land or right of way so valued by the Commissioners, shall vest in said company in *fee simple*, as soon as the valuation fixed upon is paid or tendered. Either party to the proceeding may appeal from

Valuation.

A. D. 1855.

the said valuation to the next session of the court granting the commission, giving reasonable notice to the opposite party of such appeal; and the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the lands and right of way so valued by the Commissioners or Jury shall vest in the said company, in *fee simple*, so soon as the valuation thereof may be paid or tendered and refused. Where there shall be an appeal, as aforesaid, from the valuation of the Commissioners, by either of the parties, the pendency of such appeal shall not prevent the company from proceeding in the construction of their work in and upon said land or way; but when the appeal shall be made, by the company, requiring the surrender, they shall be at liberty to proceed in their work only on condition of giving to the opposite party a bond, with good security, to be approved by the Clerk of the Court where the valuation is returned, in penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained; and in case it be reversed for the payment of the valuation thereafter to be made by the jury, and confirmed by the court. In all assessments made by the Commissioners or Jury, as aforesaid, after the construction of the road, or of the part thereof upon the land to be valued, reference shall be held to the true value of the land at the time of the erection of the said road, or part thereof, and the use thereof by the said company for the purposes of said road shall be considered as an actual possession of said land covered by said road, and the space of one hundred feet on each side from the centre of the road as aforesaid. In all cases of appeal contemplated by this Section, full costs shall be awarded, and the collection thereof enforced as in cases of trespass on the case.

Title to land.

XVI. That in absence of any contract or contracts with the said company, in relation to land through which the said road may pass, signed by the owner thereof, or by his agent or any person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land on which the road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to the company, by the owner or owners thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same may be used for the purposes only of the said road, and no longer, unless the owner or owners of said land at the time that the part of the said road which may be on the said land was finished, or those claiming under him, her or them shall apply for an assessment of the value of said lands as hereinafter directed, within five years next after the said part was finished: *Provided*, Nothing herein contained shall affect the rights of *feme covert*s or infants, until four years after the removal of their respective disabilities.

Forfeiture.

XVII. That if any person or persons shall intrude upon the said road, or any part thereof, by any abuse thereof, or the rights and privileges connected therewith, without the permission of said company, he, she or they shall forthwith forfeit all the vehicles that may be so intruded upon the said road, and the same may be seized by the said company and recovered by suit at law, and the person

Vehicles.

or persons so intruding may be also indicted for misdemeanor, and, upon conviction, fined and imprisoned by any court of competent jurisdiction.

A. D. 1855.

XVIII. If any person shall wilfully or maliciously destroy or in any manner hurt, damage or obstruct, or shall wilfully cause, or aid or assist, or counsel or advise any person to destroy or in any manner hurt, damage or obstruct said railroad, or any bridge or any vehicle used for or in transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than twelve months, nor less than one month, and pay a fine not exceeding one thousand dollars, nor less than one hundred dollars, at the discretion of the court before which such conviction shall take place, and shall be further liable to pay all the expenses of repairing the same and any damages occasioned by the said injury. The one-half of all fines that may be imposed by the court, under this Act, shall be paid to the informer, and the other half to said company. The provision of this Section shall be extended as well to the owners of lands through which the said road may be constructed, as to other persons, and no owner, or other person claiming under him or her, shall avoid the said provisions by the plea of *liberum tenementum*, or by any other plea whatever.

Obstructions.

XIX. That all machines, vehicles, wagons and carriages purchased, as aforesaid, with the funds of the company, or engaged in the business of transportation on said railroad, and all the works of said company constructed, or property acquired under the authority of this Act, and all property which shall accrue from the same, shall be vested in the respective stockholders forever, in proportion to their respective shares, and shall be deemed personal estate.

Property of
the company.

XX. That so soon as any portion of the railroad hereby authorized may be in readiness for transportation, it shall be lawful for the said President and Directors to transport, by their officers or agents, or by contractors under them, persons and property on the same, and they shall have power to fix and determine, for the transportation of persons, goods, produce and merchandise, and other articles, such rates of charge as to them shall seem necessary and proper to secure a reasonable and adequate return upon the capital invested; and for the transportation of mails such sums as may be agreed upon between them and the post office department. But they shall give no undue preference to the property of one person over that of another, but, as far as practicable, shall carry each in the order of time in which it shall be delivered or offered for transportation with the tolls paid or tendered. If the company, its officers or agents, shall fail to receive, transport or deliver in due time any property so delivered and offered to them for transportation, or shall fail to take up and set down any passenger or passengers at such convenient station as he or they may desire, on the payment or tender of the passage money, they shall forfeit and pay to the party so injured double the amount of toll paid or tendered, and shall moreover be liable to an action on the case, in which full damages and double costs shall be recovered.

Transportation.

XXI. The President and Directors shall render distinct accounts

Accounts.

A. D. 1855.

Direction.

of their proceedings and disbursement of money at the annual meeting of stockholders.

XXII. That the President and Directors shall be styled the Direction of the Company, and shall have power to call for all instalments, declare all dividends of profits, and by an order signed by the President shall have power to draw from the banks all such sums of money as may have been deposited by the Commissioners for the first payment by the subscribers upon their subscriptions of stock as before provided. And the said President and Directors shall cause to be written or published certificates of the shares of the stock of said company, and shall deliver over such certificate, signed by the President and countersigned by the Treasurer, to each person for the number of shares subscribed by them. The certificate shall be transferable, subject, however, to all payments due or to become due thereon; and such assignee, having first caused the transfer or assignment to be entered in a book kept by the company for that purpose, shall thenceforth become a member of the company aforesaid, and shall be liable to pay all sums due or to become due on the stock assigned to him.

Exemption
from militia
duty.

XXIII. That the following officers and persons, while in the employment of the said company, shall be exempt from the performance of ordinary militia duty, viz: The Chief Engineer and Assistant Engineers, the Commissioners and Superintending Officer, the Secretary and Treasurer of the Direction, the keepers of depots and the guards stationed on the road to protect it from injury, (not exceeding one white man to every five miles,) and such persons as may be actually employed in working the locomotive engines, and in traveling with cars for the purpose of attending to the transportation of passengers and goods on said road, not exceeding one white engineer and his white assistant to each engine, and one white person to every passenger car, and to every five cars for the transportation of goods.

Public Act.

XXIV. That this Act shall be regarded as a public Act, and may be given in evidence as such in all cases without being specially pleaded.

XXV. That this charter shall in no wise be subject to the provisions of the forty-first Section of the Act of the General Assembly of South Carolina, passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one. Nothing in this Act contained shall prevent any railroad in South Carolina from connecting with the said road. This Act shall be of no effect until a direct communication, by steam or other locomotives and cars, and a common track and depot between the Georgia Railroad and the South Carolina Railroad in Augusta, be established or secured.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED.

A. D. 1855.
 No. 4256.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons, citizens of the United States, who have resided six months in the village of Belton, in Anderson District, shall be deemed, and are hereby declared to be, a body politic and corporate. And the said village shall be known and called by the name of Belton, and its corporate limits shall extend one-half mile in every direction from the railroad depot established therein, and the said corporation is hereby invested with all the powers and privileges, and subject to all the restrictions that are conferred on the corporation of the village of Anderson by the Act of the General Assembly heretofore passed incorporating said village, and that the charter of the said village of Belton be continued for the term of fourteen years.

Village of
Belton.

II. That all free white persons, citizens of the United States, who have resided six months in the village of Honey Path, in Anderson District, shall be deemed, and are hereby declared to be, a body politic and corporate, and the said village shall be known and called by the name of Honey Path, and its corporate limits shall extend one-half mile in every direction from the railroad depot established therein; and the said corporation is hereby invested with all the powers and privileges, and subject to all the restrictions that are conferred on the corporation of the village of Anderson by the Act of the General Assembly heretofore passed incorporating said village, and that the charter of the said village of Honey Path be continued for the term of twenty-one years.

Village of
Honey Path.

III. That the inhabitants of the village of Bamberg, in Barnwell District, are hereby created and declared a body politic and corporate, with such powers and privileges as have been granted to the inhabitants of the village of Barnwell, by an Act entitled "An Act to incorporate the village of Barnwell," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine. The corporate limits of Bamberg shall embrace a square, the centre of which shall be the railroad depot, and the lines of which, each of the length of twelve hundred yards, shall run due north, south, east and west. The first election for Intendant and Wardens of said village shall be held on the second Monday in March next, and on the same day in every year thereafter. That the Town Council of Bamberg shall have the sole power and authority to grant tavern and retail licenses within the limits of said corporation.

Village of
Bamberg.

IV. That the Act incorporating the town of Williamston be so amended that the Town Council thereof shall have power to impose an annual tax upon the following property in said town, to wit: Upon all real estate not exceeding fifteen cents on every hundred dollars' worth of the value thereof, on all slaves not exceeding fifteen cents on each, on all free negroes or other free persons of color not exceeding one dollar each, and on all dogs and stock such annual tax as the Intendant and Wardens of said town may from

Town of Wil-
hamston.

A. D. 1855.

Town of
Anderson.

time to time ordain, the money arising from said taxes to be applied under the direction of the Council to the general purposes of said town.

V. That the Act incorporating the town of Anderson be, and the same is hereby, so amended that the Town Council thereof shall have power to compound with persons liable to patrol and road duty, by the payment of an annual sum of money in lieu of the performance of such duty; the money so received to be applied to establish a night watch, guard, or police for the better security and regulation of said town, or to such improvement of the streets, ways and public grounds as the Council may designate; and all persons failing or refusing to pay such commutation shall be liable to patrol duty so often and at such times as the Council shall ordain, and to road duty as is now provided by law, and for the non-performance of either of said duties, to such fines and penalties as are now provided by law. The said Town Council of Anderson shall have power to impose a tax upon the keepers of billiard tables and tennis alleys, and to grant or refuse licenses for the same, upon such terms and conditions, and subject to such regulations as they may by Ordinance establish. They shall also have power to impose a tax, within their discretion, on all sales made by itinerant traders or auctioneers; on all public drays, wagons, carriages, omnibuses, livery stables, and horses kept for hire, and on the owners or possessors of any dog or dogs, hog or hogs kept within the corporate limits of said town. The said Town Council of Anderson shall have power to impose an annual tax on all real estate, all stocks in trade, all stocks of every kind (railroad stock excepted,) all moneys loaned at interest, all income on factorage employments, faculties and professions, all slaves, all free negroes, and other free persons of color, all carriages and wagons of whatever kind kept for private use, and on all gold and silver watches kept for private use within the corporate limits of the said town: *Provided*, That no tax shall be imposed in any one year to exceed the rate of twenty cents on each hundred dollars' worth of the value of such property, capital or income, which valuation shall be ascertained by three Assessors, appointed by the Town Council for that purpose, who shall take an oath to assess the same, according to the best of their knowledge and understanding; the money so raised to be applied to the uses of said corporation. And the said Town Council shall have power to enforce the payment of all taxes and assessments levied by them against the property and persons of defaulters to the same extent, and in the same manner as is provided by law for the collection of the general State taxes. And the said Town Council shall have power to regulate the price of licenses on all public shows and exhibitions in said town; to punish slaves and free persons of color for the violation of the Ordinances of said town; to erect a powder magazine, and to compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for rates of storage thereof, and for keeping and delivering the same. The said Town Council shall have power and authority to require all persons owning a lot or lots in said town to make and keep in good repair sidewalks in front of said lot or lots, wherever the same shall front on or adjoin any of the

A. D. 1855.

public streets of said town, if in the judgment of the Council such side walks shall be necessary; the width thereof, and the manner of their construction, to be designated and regulated by the Town Council, and for default or refusal to make and keep in repair such side walks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing: *Provided*, That such contract for making or repairing be let to the lowest bidder. The said Town Council of Anderson shall have power to arrest and commit to jail (for a space of time not exceeding twenty-four hours) and to fine, in such sums as they are now authorized by law to do, any person or persons who shall be guilty of disorderly conduct in said town, to the annoyance of the citizens thereof, and it shall be the duty of the Marshal of the town to make such arrest, and to call to his assistance the *posse comitatus* (if necessary) and upon failure to perform said duty, he shall be fined in a sum not exceeding twenty dollars for each and every offense.

VI. That the boundaries of the town of Anderson be, and the same are hereby, extended to the limits of the corporation, the same being one mile in every direction from the court house; and the Town Council of the said town shall have power and authority with the consent of the adjacent land owners to close all such streets, roads, lanes and alleys within the said town as they may deem necessary, and to lay out, adopt, open and keep in repair all such new streets, roads, lanes and alleys as they may from time to time deem important or necessary for the improvement and convenience of said town: *Provided*, That no new street, road, lane or alley shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street, road, lane or alley shall pass.

VII. That the charter of the town of Greenville be, and the same is hereby, so amended that the Town Council of said town shall have power to impose an annual tax of not exceeding ten cents per hundred dollars upon every hundred dollars of the amount of all sales of goods, wares and merchandise, (the products of this State, and the unmanufactured products of any of the United States or Territories thereof excepted,) which any person shall have made within the said town from the first day of January in any one year to the first day of January next ensuing. They shall also have power to impose a tax, within their discretion, upon all itinerant traders and auctioneers; and an annual tax upon the keepers of all billiard tables and tenpin alleys, and to grant or refuse licenses for the same in their discretion. And the said Town Council shall have power to enforce the collection of all taxes and assessments made by them by virtue of this Act, or any previous Act, against the property or persons of defaulters to the same extent and in the same manner as is now provided by law for the collection of the general State tax.

Town of
Greenville.

VIII. That the said Town Council of Greenville shall have power to arrest and commit to jail (for a space of time not exceeding twenty-four hours,) and to fine, as they are now authorized by law to do, any person or persons who shall be guilty of disorderly conduct in said town, to the annoyance of the citizens thereof; and

A. D. 1855.

for the collection of all such fines the said Town Council are hereby invested with all the powers given for the collection of military fines by the ninety-seventh Section of an act entitled "An Act to reduce all Acts and clauses of Acts in relation to the militia of this State into one Act, and to alter and amend the same," ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one.

Town of
Walhalla.

IX. That all persons, citizens of the United States and residing one year within the limits of the town of Walhalla, or owning a town lot within the same, shall be deemed and declared to be a body politic and corporate, and shall be known by the name of Walhalla; the limits of said town shall extend from where the public square of the town now stands a half mile in every direction.

X. That the said town shall be governed by an Intendant and six Wardens, to be elected on the third Monday of January next, and on the third Monday in January in every year thereafter. And Jacob Schroder, D. Bieman and John H. Ostendorff are hereby appointed Managers to hold and conduct the first election, to be held on the third Monday in January next, from nine o'clock in the morning until two o'clock in the afternoon, at such place as they shall designate, ten days' notice being previously given; and when the polls shall be closed, the Managers shall proclaim the said election and give notice, in writing, to the persons elected. And the Intendant and Wardens of the said town for the time being shall always appoint the Managers, three in number, for the ensuing elections. All free white male citizens of the United States of the age of twenty-one years and residing in the said town one year previous to the election, or owning one town lot within the same shall be entitled to ballot for the said Intendant and Wardens. And the said Intendant and Wardens, before entering upon the duties of their office, shall take the oath prescribed by the Constitution of the State, and the following oath, viz: "As Intendant (or Warden) of Walhalla, I will fairly and impartially, and to the best of my skill and ability, execute the trust reposed in me, and will use my best endeavors to carry into effect the purposes for which I have been appointed—so help me God."

XI. That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, removal from office, or absence from the State, an election to fill such vacancy shall be held by appointment of the Intendant and Wardens, or the Wardens, as the case may be, ten days' previous notice being given; and in case of the sickness or temporary absence of the Intendant, the Wardens forming a Council, shall be empowered to elect one of the Wardens to act in his room for the time being.

XII. That the Intendant shall, during the term of his service, be vested with all the powers of a Magistrate of this State, and his jurisdiction as a conservator of the peace shall be co-extensive with the limits of the said town. He may from time to time appoint such proper person or persons to act as Constable within his jurisdiction, according to law, as he shall deem expedient and proper; which Constable shall have all the powers and privileges, and shall be subject to all the duties and regulations appointed by the laws of this State for the office of Constable. The Intendant shall and

A. D. 1855.


may, as often as occasion may require, summon the Wardens to meet him in Council, any three of whom, with the Intendant, may constitute a quorum to transact business, and they shall be known by the name of "The Town Council of Walhalla," and they and their successors may have a common seal, purchase and hold any estate, real or personal, for the public uses of the said corporation, sue or be sued, plead or be impleaded in any court of law or equity in this State. The Intendant and Wardens shall have full power to make and establish all such rules, by-laws and Ordinances respecting the streets, ways, markets and police of the said town as shall appear to them necessary and requisite for the security, welfare and convenience of the said town, or for preserving the health, peace, order and good government within the same. And the said Council may affix fines for offenses against their by-laws, which fines must be levied within nine months after their imposition, or otherwise to be null and void, but no fine shall exceed fifty dollars for any one offense; when they exceed twenty dollars, to be recovered in the Court of Common Pleas for Pickens District, and when of or under twenty dollars before the said Intendant, with the right of appeal, as in Magistrates' cases, to the Court of Common Pleas of Pickens District. The said Town Council may assess a tax upon all property, real and personal, in the said corporation, not to exceed the rates of the General Tax Bill of the State: *Provided*, That nothing herein contained shall authorize the said Town Council to make any by-laws inconsistent with or repugnant to the laws of the land.

XIII. That the said Intendant and Wardens shall have full power to abate and remove nuisances in said limits, and to classify and arrange the inhabitants liable to patrol duty, and to require them to perform said duty as often as occasion may require, and to enforce the performance thereof under the same penalties as are now established by law. And the Intendant, upon view thereof, or complaint lodged, is hereby required to issue warrants against all offenders, and cause them to be brought before him, and upon due examination shall release, admit to bail, if the offense be bailable, or commit to jail such offenders, as the case may require. And the Sheriff of Pickens District is hereby enjoined to receive and keep the persons so committed until discharged by due course of law. And the said Intendant may take recognizances in all criminal cases upon the terms and in the manner as Magistrates are required to do by law.

XIV. That the said Intendant and Wardens shall have full and only power of granting licenses for billiard tables, to keep taverns or to retail spirituous liquors within the said limits, in the same manner and upon the same conditions as are now granted by Commissioners of Roads, under the laws of this State. And all moneys paid for licenses, fines and forfeitures, for retailing spirituous liquors, keeping taverns and billiard tables within the said limits, shall be paid to and applied by the said Intendant and Wardens to the public uses of the said corporation.

XV. That the said Intendant and Wardens shall have full power and authority to compound with persons liable to work on the roads in said limits, and to release such persons as may desire to be re-

A. D. 1855.

leased therefrom, upon the payment of such annual sum to the said Intendant and Wardens, as may be deemed by them a fair equivalent therefor, to be applied to the services and uses of the said corporation. And no person residing in the said limits five months in the year shall be liable to work on any road without the said limits, or to be taxed or assessed for the same, but shall perform road duty within the limits of the said corporation.

Village of
Conwayboro'.

XVI. That the inhabitants of the village of Conwayboro' be, and they are hereby, created and declared a body politic and corporate, with such powers and privileges as have been granted to the inhabitants of the village of Marion by an Act entitled "An Act to incorporate the village of Marion, and for other purposes therein mentioned," ratified on the twenty-first day of December in the year of our Lord one thousand eight hundred and fifty-four. The corporate limits shall extend from the Court House to Kingston Lake and Waccamaw River on the east, and three-quarters of a mile from the Court House in all other directions. The first election for Intendant and Wardens for said village shall be held on the second Monday in February next, and on the same day in every year thereafter. That the Town Council of Conwayboro' shall have the sole power and authority to grant tavern and retail licenses within the limits of said corporation.

Town of Spar-
tanburg.

XVII. That the charter of the town of Spartanburg be so amended that the Town Council of said town shall be entitled to have and receive, annually, the amount of money paid by the corporators of said town, for roads and bridges, to be expended by said Town Council within the corporate limits of said town for streets, roads and bridges.

XVIII. That the said Town Council shall have full power and authority to tax the keepers of billiard saloons and tenpin alleys that may be kept within the limits of said town, to an amount not exceeding fifty dollars *per annum*, and to lay a tax upon all circus exhibitions, slight of hand exhibitions, and other like exhibitions, made for gain, or reward, within the limits of the said town to an amount not exceeding fifty dollars.

XIX. That in all cases of fine, or taxation, by said Town Council, now and herein allowed and provided for by law, said Council shall have authority to issue their writ or warrant of *ieri facias*, directed to the Sheriff of said District, to make the fine or tax, as the case may be, of the goods and chattels, lands or hereditaments, of the party defaulting or refusing to pay: *Provided*, That in all cases of fine, the party fined shall have the right of appeal to the court of Common Pleas for said District, to enquire and determine the legal liabilities of the party so fined.

Village of
Sumterville.

XX. That the Act incorporating the village of Sumterville, passed on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, be extended and continued, and be of force until the first day of January, one thousand eight hundred and sixty-six. That instead of being called and known as the village of Sumterville, as by said Act declared, it shall hereafter be called and known by the name of Sumter, and all the rights, powers, authorities, incidents and liabilities under and

by the said Act conferred upon its citizens as a body politic and corporate, shall attach to it as a town by the name of Sumter.

XXI. That the charter of the village of Lancaster shall be so amended as to give to the Intendant and Wardens of said village power to levy and impose a tax, (not exceeding fifteen cents on the hundred dollars,) on the value of all real estate within the corporate limits of said village; and also power to require and compel the owners of lots and tracts or parcels of land in the corporate limits of said village, to make and keep in repair side walks or pavements, around their several lots and tracts or parcels of land where none now exist; and where they now are, to improve and keep them in good repair. Such making of side walks, and improving them and keeping them in repair, to be done on Main street, and such other streets and roads as the said Intendant and Wardens may, from time to time, in Council, deem proper to be so improved; and said improvement shall be made by the plans and directions of the said Intendant and Wardens.

XXII. That the Intendant and Wardens shall, at their first meeting in January of each year, appoint three Commissioners, citizens of said village, whose duty it shall be, after being duly sworn fairly and impartially to perform the duty assigned them, to appraise and value all the real estate in the corporate limits of said village, and make a return thereof to said Intendant and Wardens on or before the first day of February next succeeding their appointment, in which return shall be exhibited the separate value of each lot, tract or parcel of land in the corporate limits of said village, and the names of the owner or owners thereof. And the valuation so made and returned shall govern the Intendant and Wardens in imposing the tax hereinbefore provided for.

XXIII. That if any owner or owners of real estate in the corporate limits of said village shall neglect or refuse to pay the tax imposed upon his or her real estate, or neglect and refuse to make, improve and keep in repair the sidewalks adjoining his or her lot, tract or parcel of land, after being so required to do, it shall be the duty of said Intendant and Wardens to summon such offender to appear before them, and, if found in default, shall impose a fine upon such offender of not more than double the tax imposed upon such offender's real estate, and in case of neglect or refusal to pay said tax, and in case of neglect or refusal to make, improve and repair sidewalks as herein provided for, a fine not exceeding fifty dollars for each offense: *Provided*, That such fine, when twenty dollars or less, may be collected by process in the nature of *fieri facias*, and the person so fined may have an appeal to the Court of Common Pleas for Lancaster District: *And provided*, That when such fine exceeds twenty dollars the same shall be sued for in the Court of Common Pleas for said District.

XXIV. That to enable the said Intendant and Wardens better and more efficiently to collect fines hereafter imposed by them for offenses against any Ordinances of said village, heretofore made and ratified by Council, and now of force, or against any Ordinance hereafter to be made and ratified by the Intendant and Wardens of said village, they shall have power to issue final process against the goods and chattels, houses, lands and other real estate of such

A. D. 1855.

Village of
Lancaster.

A. D. 1855.

offender, and also against his body, whenever the Sheriff or other officer in whose hands said final process is placed to be levied and satisfied, shall be unable to find property of such offender of which to levy said fine and the cost of prosecuting such offender to satisfaction of said final process. And said final process shall be under the hand of the Intendant of said village and the corporate seal, be tested by the Clerk of the Council, and be directed to the Sheriff of Lancaster District, or other lawful officer.

XXV. That the seventh Section of an Act entitled "An Act to amend the charter of Lancaster Village," passed on the eighteenth day of December, in the year of our Lord one thousand eight and forty, be so amended as to prohibit the opening of Arch street, from its intersection with Market street to its eastern limit, by the Intendant and Wardens of said village.

Village of
York.

XXVI. That an Act entitled "An Act to incorporate the Village of York," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, be so amended that the Town Council of Yorkville be, and they are hereby, authorized to compound with persons liable to patrol duty in said town, for the payment of such an annual tax in lieu of the performance of such duty, as said Town Council may by Ordinance prescribe; the money so received to be applied to the purpose of supporting a night watch for said town; and all persons refusing or failing to pay such commutation, shall be liable to patrol duty, and for non-performance thereof, to such fines and penalties as are now provided by law.

XXVII. The Intendant and Wardens of the said town shall have power and authority to require all persons owning a lot or lots in said town, fronting on Congress street or Liberty street, to make and keep in good repair sidewalks in front of their lots, dwellings, stores, offices, or shops, of sufficient width, (which width, as also the grade and height thereof, the said Council has power to designate;) and for default or refusal to make and keep in repair such sidewalks, the Town Council may cause the same to be made or put in repair and require the owner to pay the price of making or repairing: *Provided*, That such contract for making or repairing be always let to the lowest bidder.

XXVIII. That the Intendant and Wardens of said town shall have power to regulate the price of licenses to be paid by persons representing within their corporate limits, for gain or reward, any plays or shows of whatever nature or kind soever; and in default of payment, to enforce collection in the same manner as Clerks of the Court are authorized to do against persons representing such plays or shows in the several Districts of this State.

XXIX. That the said Town Council of Yorkville have power to impose a tax upon keepers of tennin alleys or other pin alleys and billiard tables, and to grant or refuse licenses for the same, upon such terms and conditions, and subject to such regulations as they may by Ordinance establish. They shall also have power to impose a tax within their discretion on all sales made by itinerant auctioneers, and to prescribe the mode and manner of collecting such tax; on all hacks, omnibuses, drays, carts, wagons or other vehicles kept for hire, an annual tax not exceeding ten dollars each, to be

A. D. 1855.

regulated respectively by said Council. The said Town Council shall also have power to impose an annual tax not exceeding fifty cents on each white male inhabitant of said town over the age of twenty-one years, and hereafter no person shall be permitted to vote for Intendant and Wardens who has not paid such tax as the Council may by Ordinance prescribe.

XXX. That the Town Council of Yorkville shall have power to prevent the violation of its Ordinances by ordaining as to free white persons so offending certain fines not exceeding eighty-five dollars for any one offense; and as to slaves and free persons of color any suitable punishment not extending to life or member. When any free white person shall be charged with an offense for which a fine of more than twenty dollars is ordained, the said charge shall be heard and determined in an action of debt by summary process to be brought in the name of said Town Council for the recovery of said fine in the Court of Common Pleas; and if the fine ordained be not more than twenty dollars, the said Town Council, or a quorum thereof, shall have power to hear and determine the said charge and render judgment thereon. In all cases of trial to be had before the said Town Council, as hereinbefore provided, the party charged shall be cited to trial by personal service upon him of a summons under the hands of the Intendant or any one of the Wardens, wherein shall be expressed with certainty the offense charged, and the time and place of trial, which service shall be made at least five days before the day of trial. The said Town Council shall have power to procure and compel the attendance of witnesses by process similar to that which by law Magistrates may use in the trial of small and mean causes, and to enforce the judgments rendered by an execution in the nature of a *feri facias* against the personal goods of the offender, and from any judgment so rendered by the said Town Council, an appeal to the Court of Common Pleas for York District, may be taken by the defendant in the same manner and upon the same terms as are now provided in the case of judgments rendered by Magistrates in civil cases. The Marshal of said town of York shall have power to serve and execute all summonses and other process, mesne or final, issued by the said Town Council by virtue of this Act, and the same to return to the said Town Council. The Sheriff of the District shall have like power. The cost to be fixed by the said Town Council and collected from the defendants.

XXXI. That all slaves and free persons of color charged with offenses against the Ordinances of the said town shall be tried by the said Town Council, or a quorum thereof, and the judgment and sentences rendered and passed in such trials shall be executed by the Marshal of said Town or the Sheriff of the said District; and the mode of conducting such trials shall be prescribed by the said Town Council by Ordinances for that purpose.

XXXII. That the said Town Council of the town of York shall be, and is hereby, empowered to enforce the payment of all taxes and assessments lawfully levied by the said Council against the property and persons of defaulters, to the same extent and in the same manner as is provided by law for the collection of the general State tax.

A. D. 1855.

XXXIII. That the Intendant and Wardens of the town of Yorkville, be, and they are hereby, authorized and directed to open a new street in said town, commencing on the Lansford Road, east of the Independent Church, partly on the lands claimed by J. Bolton Smith, Esq., and partly on the lands belonging to said church, and extending the said street, parallel with Congress street, thirty feet wide until it intersects with the extension of Madison street, herein-after provided for, and that the said street be called and known as Independent street.

XXXIV. That the said Intendant and Wardens be, and they are hereby, authorized and directed to open out and extend Madison street, parallel with Liberty street, until it intersects with Independent street, the new street hereinbefore directed to be opened and extended, and that the width thereof be the same as that of Liberty street, at the point where it intersects with Congress street.

Ridgeville
Lodge.

XXXV. That the Ridgeville Lodge of Odd Fellows, number twenty-six, be incorporated and vested with all the powers and privileges of the Lodge number five, heretofore incorporated.

XXXVI. That this Act shall be taken and deemed to be a public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4257. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Rantoul's Bridge, over Stone River, in St. Paul's Parish, Colleton District, be, and the same is hereby, re-chartered and vested in Philip J. Messervey, and his heirs in trust for the sole and separate use of Elizabeth S. Messervey, and the heirs of her body, wife of Lawrence J. Messervey, not to be subject or liable in any manner to the debts, contracts or engagements of her said husband, for the term of fourteen years, with the same rates of toll heretofore allowed by law.

Saluda Ferry. II. That the ferry across Saluda River, heretofore known as Neely's Ferry, at the confluence of Saluda and Reedy Rivers, be, and the same is hereby, re-chartered and vested, for the term of seven years, in George Anderson, Robert Cunningham and Louisa F. Neely, their heirs and assigns, in the proportion of one-half to the said George Anderson, and one-fourth each to the said Robert Cunningham and Louisa F. Neely, with the same rates of toll as heretofore allowed by law.

Nelson's Ferry. III. That the ferry on Santee, heretofore known as Nelson's Ferry,

be, and the same is hereby re-chartered and vested in William H. Sinkler, his heirs and assigns, for the term of four years, with the same rates of toll as heretofore allowed by law at Vance's Ferry.

A. D. 1855.

IV. That a ferry across Broad River, in Spartanburg District, on the road leading from the town of Spartanburg, in the direction of Shelbyville, North Carolina, be, and the same is hereby chartered for the term of fourteen years, and vested in Obadiah Sarratt, his heirs and assigns, with the following rate of toll, to wit: For each wagon and four or more horses, fifty cents; for each wagon and two horses, or pleasure carriage and two horses, thirty cents; for each wagon, buggy, carriage, or other vehicle, with one horse, twenty cents; for each person on horseback ten cents; head of horses and cattle, five cents; for each head of hogs, sheep and goats, two cents.

Broad River
Ferry.

V. That the ferry across Saluda River, heretofore known as Wyse's Ferry, be, and the same is hereby, re-chartered, and vested in John Wyse, his heirs and assigns, for the term of fourteen years, with the same rates of toll as heretofore allowed by law.

Wyse's Ferry.

VI. That an "Act to open and extend Pitt Street, in the town of Mount Pleasant, to Hibben Street," passed on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, be, and the same is hereby, repealed; and that Pitt Street, in the town of Mount Pleasant, as recently opened by the Town Council of Mount Pleasant, from the southern boundary of R. T. Morrison's lot to Venning Street, in said town, of the width of forty feet, and of the plan and direction as the same is now laid out and extended, be, and the same is hereby, confirmed as a public street and highway.

Town of Mount
Pleasant.

VII. That the Cypress Causeway, on the road leading from Orangeburg to Charleston, be, and the same is hereby, re-chartered, and vested in Elijah Brownlee, his heirs and assigns, for the term of fourteen years, with the same rates of toll heretofore allowed by law: *Provided*, That Henry J. Isaacs, his family and servants, shall be exempt from the payment of toll for passing and re-passing said Cypress Causeway.

Cypress Cause-
way.

VIII. That the Commissioners of Roads of Newberry District shall lay out and open a new public road in said District, called the Caradine Road, commencing at Caradine's Ford, formerly Perkin's Ford, on Saluda River, passing Dr. Crofts', and intersecting the Huit's Ferry Road to Newberry Court House, near the seven mile post, and following, as near as practicable, the line of the present road; and that the same Commissioners shall lay out and open a new public road in Newberry District, to be called St. Luke's Road, leaving the present Bush River Road at or near St. Luke's Church, passing by Dr. Crofts' Mill, and thence on his land until it intersects the Caradine Road aforesaid, at or near Dr. Crofts' residence.

Caradine
Road, New-
berry District.

IX. That Henry Riley, Robert C. Gillam, R. A. Griffin, H. Rykard and Richard M. White, be appointed Commissioners to lay out and open a new public road in Abbeville District, commencing at the village of Greenwood and terminating at the village of Cokesbury, following, as near as practicable, the line of the present neighborhood road.

Road in
Abbeville Dis-
trict.

X. That Thomas L. McFaddin, John R. Culp, Samuel Steadman,

A. D. 1855. Joseph Furguson and A. B. Brown be appointed Commissioners to lay out and open a new public road in Chester District, from Caldwell's Mill, on Fishing Creek, to Jordan's Store, following the direction of the private way now used between these points.

Ches-
ter Dis-
trict.
Road in

XI. That the public highway in Chester District leading from the Fishdam Road, at Mrs. Nancy Mobley's, to the Baton Rouge Road at the plantation of Adam T. Walker, be discontinued as a public highway, the same to be kept open as a private way, with the privilege of erecting gates thereon.

XII. That the road leading from A. S. Gregorie's, at the Green Pond in Union District, to the Wood's Ferry Road at A. J. Gregorie's, be, and the same is hereby, declared to be a public road.

Road in Pick-
ens District.

XIII. That Henry Hinkle be, and is hereby, empowered, at his own expense, to lay out and construct a road commencing at or near the Laurel Gap, in Pickens District, and extending to the North Carolina line at or near Rock Creek, and to erect and keep in repair a toll gate thereon, to be vested in the said Henry Hinkle, his heirs and assigns for the term of twenty-one years from the completion of the same; and it shall and may be lawful for the said Henry Hinkle, his heirs and assigns to take and receive for passing the said turnpike, the following rates of toll, and no more: For every four wheel carriage, twenty-five cents; for every buggy or other one horse vehicle, fifteen cents; for every loaded wagon and four horses, forty cents; for every empty wagon and four horses, twenty-five cents; for every wagon and two horses, fifteen cents; for every cart or other carriage than as above, ten cents; for every passenger on horseback, five cents; for each head of horses or cattle, three cents; for each head of hogs, sheep or goats, one cent.

Public road
in York Dis-
trict.

XIV. That Reuben McConnell, Samuel Blair, John D. McConnell, Isaac Minter and Robert McLeave be appointed Commissioners to lay out and open a new public road in York District, from a point on the Pinckney road near Lawson Jenkin's, crossing Main Turkey Creek near Lucas' Mills, and running to McConnell's Turn Out on the King's Mountain Railroad.

Road from
Greenville.

XV. That J. P. Hillhouse be, and he is hereby, empowered at his own expense to lay out and construct a road commencing at some point near Greenville Court House, on the Buncombe or Rutherford Road, and passing along or near the crest of Paris Mountain, to terminate at the Mountain House; and to erect and keep in repair thereon a toll gate, to be vested in the said J. P. Hillhouse, his heirs and assigns for the term of twenty-one years from the completion of the said road; and that the said J. P. Hillhouse, his heirs and assigns be, and are hereby, authorized and empowered to collect and receive the following rates of toll from all persons passing the said road, to wit: For every wagon and four horses, thirty cents; for every wagon and two horses, twenty cents; for all pleasure carriages, buggies and other vehicles, twenty cents; for every person on horseback, ten cents.

St. Mathew's
Parish.

XVI. That the following roads in St. Matthew's Parish, namely: The road from McCord's Ferry to the point where it intersects the Huger Road, and that part of the Orangeburg Road from the Charleston Road to the Huger Road, be, and the same are hereby, discontinued as public roads.

XVII. That the road leading from the Santee or River Road, in Clarendon County, by Brock's and the Calhoun Academy to the Cane Savannah Road, at Mrs. Brown's, and from thence to Hebron Church on the Sumterville Road, be, and the same is hereby, declared a public road.

A. D. 1855.
 Clarendon
 County.

XVIII. That Francis W. Herriott, J. Mott Alston and Joshua W. LaBruce be, and they are hereby, constituted and appointed a Board of Commissioners of Roads for Sandy Island, with full power and authority to lay out, make and keep in repair a public road from the south point of Sandy Island, through the whole extent thereof to some eligible point to the north, and extend the same across Bull Creek into Kingston election District in such manner as that said road may intersect the road from Bull Creek Ferry to Conwayboro'; and the said Board of Commissioners shall have exclusive control over the statutory labor of Sandy Island, and in Kingston over such portion of the statutory labor as may lie within five miles of the point where the road hereby authorized shall cross Bull's Creek.

Sandy Island.

XIX. That Henry H. Thompson, his heirs and assigns be, and they are hereby, authorized and permitted to erect a suitable gate or gates across the Howell's Ferry Road on the premises of the said Henry H. Thompson; the said gate or gates to be erected and kept in repair by the said Henry H. Thompson, his heirs and assigns, under the supervision of the Board of Commissioners of Roads, Bridges and Ferries, in whose jurisdiction the said gate or gates may be.

Howell's Ferry
 Road.

XX. That J. R. Bratton, his heirs and assigns be, and they are hereby, authorized and permitted to erect a suitable gate or gates across a private path or neighborhood road in York District, known as the Drennan Road, on the premises of the said J. R. Bratton; the said gate or gates to be erected and kept in repair by the said J. R. Bratton, his heirs and assigns, under the supervision of the Board of Commissioners of Roads for said District.

Road in York
 District.

XXI. That Archibald Barron, his heirs and assigns be, and they are hereby, authorized and permitted to erect a suitable gate or gates across a private path or neighborhood road in York District, where it passes Allison's Creek, on the premises of the said Archibald Barron; the said gate or gates to be erected and kept in repair by the said Archibald Barron, his heirs and assigns, under the supervision of the Board of Commissioners of Roads for said District.

XXII. That the proviso of the eighth Section of an "Act to establish certain roads, bridges and ferries," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, be, and the same is hereby, repealed.

Act repealed.

XXIII. That the seventh Section of an Act entitled "An Act to establish certain roads, bridges and ferries, and to amend the law respecting the Commissioners of Roads in certain particulars," ratified the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, be amended to read as follows, to-wit: That the road now existing, known as the Ridge Road, in the Parishes of St. John's Berkeley and St. James's, Goose Creek, leading from the Congaree or Monk's Corner Road, in the

Act amended.

- A. D. 1855. } Parish of St. John's Berkeley, to the State Road in St. James's, Goose Creek, the said road beginning between the forty-ninth and fiftieth mile posts, near the plantation of Dr. P. P. Palmer, on the Congaree or Monk's Corner Road, and ending at the Wassamasaw Bridges on the State Road, be, and the same is hereby, established as a public road.
- Fish Dam
Road, Union
District. XXIV. That J. T. Hill, F. Hobson and Mabry Thomas are hereby appointed Commissioners to change the public road known as the Fish Dam Road, in Union District, so as to pass through the lands of Mrs. Nancy McJunkin, near Cane Creek Church, and the same shall become a part of the said public road.
- Exemption. XXV. That the students in the Preparatory Military School, at Yorkville, be, and are hereby, exempted from all road duty during the time they may be connected with the said school as students.
- Road in
Edgefield. XXVI. That Martin McCarty, J. A. Lott, Richard Ward, Darling Williams and G. D. Mims, be, and are hereby, appointed Commissioners to lay out and open a new public road in the District of Edgefield, leaving the Aiken Road at or near Posey's Bridge, and intersecting the Ridge Road at or near Martin McCarty's.
- Clarendon. XXVII. That the Commissioners of Roads residing within Clarendon election County be, and they are hereby declared to constitute one Board of Commissioners, to be called the Clarendon Board, whose jurisdiction shall be limited to Clarendon, which said Board shall hold their meetings at Clarendon Court House as soon as the same shall be located, before which time they shall meet at Samuel Harvin's.
- St. Peter's
Parish. XXVIII. That the Commissioners of Roads for St. Peter's Parish be, and they are hereby, authorized to open a new public highway from Mount Lake Bridge on the Hudson Ferry Road to Williamson's Ferry, on the Savannah River, and that the old road from said Mount Lake Bridge to the Hudson Ferry aforesaid be, and the same is hereby, discontinued as a public highway. And that James R. Williams is hereby authorized to establish a public ferry across the Savannah River, at his place, with the right of reasonable tolls for one year.
- Fines, &c. XXIX. That from and after the passing of this Act, if any defendant against whom any execution shall be issued "for any default, fine or penalty," under the road laws of force in this State, shall neglect or refuse to pay the same, and the costs accruing, and shall fail to point out to the Sheriff sufficient personal property to satisfy the same, the said Sheriff shall, by virtue of such execution, seize such person and commit him to close confinement in the common jail of his District, there to remain until the fine and the costs are paid: *Provided*, That any one so committed shall be released at the end of a time to be computed at the rate of one day for every dollar of such fine upon his swearing before some Magistrate that he is unable to pay the sum for which he stands committed: *And provided*, That in no case shall such person be confined in prison for more than ten days, if at the end of that time he shall take the oath above required.
- Lunatic Asy-
lum. XXX. That the Board of Regents of the Lunatic Asylum be, and they are hereby, authorized to close up and use, for the purpose

of said Asylum, so much of Pickens street, in the city of Columbia, as lies between Lumber and Upper streets of said city.

A. D. 1856.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and in the eightieth year of the sovereignty and independence of the United States of America.

ROBT. F. W. ALLSTON, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SIX. No. 4258.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the public treasury of this State for the use and service thereof, that is to say: sixty cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification as heretofore established; seventy cents per head on all slaves; two dollars on each free negro, mulatto or mustizo, Egyptian and Indian, (free Indians in amity with this government excepted,) between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collector, to be incapable, from maims or otherwise, of procuring a livelihood; twelve and a half cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; fifty cents per hundred dollars on forage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of law, the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, school-masters, school-mistresses and mechanics, and on the amount of commissions received by Vendue Masters and Commission Merchants; twenty-five cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and fifty-six, of all banks which for their present charters have not paid a bonus to the State; twenty-five cents on every hundred dollars of capital of banks of issue out of this State, used and employed in this State by agents of said banks, between the first of October, one thousand eight hundred and fifty-five, and the first of October, one thousand eight hundred and fifty-six, in effecting loans or discounts and dealing in exchange or notes; twenty cents per hundred dollars on the capital stock of all incorporated gas-light companies; one per cent. on all premiums taken in this State by incorporated insurance companies, and by the agencies of insurance companies and underwriters without the limits of this State; fifteen cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all the articles of

Tax on lands.

Slaves, free negroes, &c.

Lots and buildings.

Forage, professions, &c.

Bank stock.

Gas light and insurance companies.

Merchandise

- A. D. 1856. trade, for sale, barter or exchange (the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall have made from the first day of January of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and fifty-seven, either on his, her or their capital or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; twenty-five cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows, of any kind whatsoever, to be paid into the hands of the Clerks of the court respectively, who shall be bound to pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.
- Exhibitions.
- Taxes, to whom paid. II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax District in which said property is located.
- Machinery exempt. III. In making assessments for taxes on the value of taxable property used in manufacturing, or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.
- Duty of Tax Collectors. IV. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are hereby, required and enjoined, to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the Comptroller General shall return the same in his report.
- Free negroes, &c. when to pay taxes. V. That free negroes, mulattoes, mustizoes, Egyptians and Indians, (free Indians in amity with this Government excepted,) be, and they are hereby, required to make their returns, and pay their taxes during the month of March.
- Sullivan's Island. VI. That the lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax District in which they are situated, in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING
IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SIX.

A. D. 1856.

No. 4259.

Appropriations.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

Executive Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature, and the Attorney General and Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, twenty-one thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for extra services of the Messenger of the House of Representatives, fifty dollars, to be paid at the end of the session; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House and the President of the Senate, six hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, nine thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division before the twentieth day of February next, and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And, further provided*, That the Printer of the Acts and Journals do publish in his newspaper,

Legislative Department.

A. D. 1856.

at Columbia, all the public Acts which may be passed at the present session, within sixty days after the adjournment of the Legislature; for Wm. F. Arthur, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, expenses of the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, six hundred dollars.

Judiciary
Department.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of the Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger for the said court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for fire wood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel; for fire wood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrants to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said courts; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

Treasury
Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

South Caro-
lina College.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of

the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer, and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; and for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for the expenses of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

A. D. 1856.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-three thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, twenty-five thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, two thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature, at its present session, twelve thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several election Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the education of the Deaf and Dumb, and of the Blind, seven thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committee of Ways and Means, and of Finance and Banks, agreed to by the Legislature, three hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of the other Committees, one thousand dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary.

Ordinary
civil expenses.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard at Charleston, five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty thousand dollars, if so much be necessary; and also five hundred dollars for the purchase of a small Library for the said Academies; and the said Military Academies shall be under the direction of the Board of Visitors of said Academies, so that their support shall not exceed the said sum, to be drawn and accounted for to the Legislature by the said Board of Visitors: *Provided*, That each judicial District shall be entitled to send to

Military ex-
penditures.

A. D. 1856.

said Academies a number of beneficiaries equal to its representation in the House of Representatives, or, in that proportion, as far as the appropriation for the schools may allow; for the military account, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies, two thousand dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for repairing arms and Arsenal purposes in Charleston and Columbia, two thousand dollars.

Ordinary local expenditures.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor at Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

Public buildings.

IX. FOR PUBLIC BUILDINGS.—To enable the Commissioners of Public Buildings of Union District to enlarge the Court House for said District, six thousand dollars; to enable the Commissioners of Public Buildings of Spartanburg District to complete their contracts for the construction of a new Court House for said District, three thousand five hundred dollars, one thousand dollars thereof to pay for the purchase of a lot for the convenience of the Court House, to be paid to the Commissioners of Public Buildings of said District on the adjournment of the Legislature, and two thousand five hundred dollars thereof to enable them to fulfill their contracts for the construction of the same; the above amounts to be drawn by the Commissioners of Public Buildings of the Districts respectively, and accounted for by them; ten thousand dollars for commencing the erection of a suitable building for the institution of the deaf, dumb and blind, according to the plan submitted by the Commissioners, who are authorized to draw and disburse the sum appropriated, and are directed to account to the Legislature for the disbursement of the same.

Extraordinary expenditures.

X. FOR EXTRAORDINARY EXPENDITURES.—For the support of

the Catawba Indians, fifteen hundred dollars, if so much be necessary, to be paid to the order of the Indian Agent, and by him expended under the direction of the Governor; to the Historical Society of South Carolina, five hundred dollars, to be paid to the draft of the President of said Society; for Holbrook's Ichthyology, three thousand dollars, to be expended as provided by the report of the Committees on Education as adopted by the General Assembly; in aid of the Roper Fund, three thousand dollars, to be paid to the draft of the Trustees of the Roper Hospital; for the salary of the Commissioner superintending the construction of the new State House, three thousand five hundred dollars; for the second year's subscription in aid of the publication of Messrs. Tuomey & Holmes' Fossils of South Carolina, two thousand dollars, to be paid to the order of those gentlemen as soon as they shall have deposited in the Legislative Library two hundred copies of the second series of five numbers of that work; for the salary of the Geological, Mineralogical and Agricultural Surveyor of the State, three thousand dollars; and to enable said Surveyor to publish the maps and plates to accompany his report, four hundred dollars, if so much be necessary, said amount to be held liable to his draft after he shall have deposited one thousand copies of the said maps and plates in the Legislative Library; that for deepening the Sullivan's Island channel of the port of Charleston, all moneys that shall be placed in the Treasury on account of dividends declared on the railway shares owned by the State, shall be held liable to the draft of the Commission raised to examine and improve that port; to enable the Regents of the Lunatic Asylum to erect a building, in pursuance of certain resolutions on the subject of that establishment, agreed to at the present session, seventeen thousand dollars, to be drawn and accounted for by said Regents to the General Assembly; for the improvement of Congaree River, according to the plan prescribed in certain resolutions on that subject, agreed to at this session, ten thousand dollars, if so much be necessary, to fulfil the contracts of the Commissioners charged with the work, to be paid to the order of the Commissioners, countersigned by the Comptroller.

A. D. 1856.

Catawba Indians.

Holbrook's Ichthyology.

Roper fund.

Commissioner of New State House.

Tuomey & Holmes' Fossils.

Geological Surveyor of State.

Sullivan's Island channel.

Lunatic Asylum.

Congaree River.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE JUDICIARY SYSTEM OF THE STATE. No. 4260.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Court of General Sessions and Common Pleas for

A. D. 1856. the Eastern Circuit shall hereafter be held at the following times :
 Chesterfield. For Chesterfield District, on the first Mondays in March and
 Marlboro. October, to sit for one week at each term, if so long be necessary ;
 Darlington. for Marlboro District, on the second Mondays of March and Octo-
 ber, to sit for one week at each term, if so long be necessary ; for
 Marion. Darlington District, on the third Monday in March, to sit for one
 week, if so long be necessary, and on the third Monday in October,
 Williamsburg. to sit for two weeks, if so long be necessary ; for Marion District,
 on the fourth Monday in March, to sit for two weeks, if so long be
 Horry. necessary, and on the first Monday after the fourth Monday in Oc-
 tober, to sit for one week, if so long be necessary ; for Williams-
 burg District, on the second Monday after the fourth Monday in
 March, and on the second Monday after the fourth Monday in Oc-
 tober, to sit for one week at each term, if so long be necessary ; for
 Horry District, on the third Monday after the fourth Monday in
 March, and the third Monday after the fourth Monday in October,
 to sit for one week at each term, if so long be necessary.

II. That hereafter the District of Georgetown shall be attached
 to the Charleston Circuit, and it shall be the duty of the Attorney
 General to attend that court, and the Court of General Sessions and
 Common Pleas shall be held for those Districts respectively, at
 Charleston. the following times, that is to say : For Charleston, on the second
 Monday in January, to sit for four weeks, if so long be necessary ;
 Georgetown. for Georgetown, on the third Monday in April, to sit for one week,
 Charleston. if so long be necessary ; for Charleston, on the fourth Monday in
 April, to sit for six weeks, if so long be necessary ; for Charleston,
 again, on the third Monday in June, to sit for four weeks, if so long
 be necessary ; for Charleston, on the third Monday in October, to
 sit for four weeks, if so long be necessary ; and for Georgetown, on
 the fourth Monday after the third Monday in October, to sit for
 one week, if so long be necessary.

III. That after the ratification of this Act, it shall be the duty
 of the Law Judges to arrange among themselves the mode in which
 the additional circuit duty, herein provided for, shall be distributed
 and performed by them, and whenever any of the said Judges
 shall be holding any of the courts herein provided for, during the
 sitting of the Courts of Appeals at Law, such court shall be com-
 posed of the five remaining Judges.

IV. That all writs, executions and process which shall have been
 made returnable to the Court of General Sessions and Common
 Pleas for Charleston District, for the March Term thereof, accord-
 ing to the laws heretofore in force, shall be held legal and valid to
 all intents and purposes, and the persons bound thereby shall attend
 on the day prescribed by this Act for the sitting of the said court
 next after the passage of this Act.

V. That all jurors and witnesses already summoned, or who shall
 hereafter be summoned to attend the March Term of the Court of
 General Sessions and Common Pleas for Charleston District, ac-
 cording to the laws heretofore in force, shall be required to attend
 at the time herein fixed for the sitting of the said court next after
 the passage of this Act ; and that all persons now bound, or who
 shall hereafter be bound in recognizance to appear at the said
 March Term of the Court of General Sessions and Common Pleas

for Charleston District, according to the laws heretofore of force, shall be required to appear at the sitting of the said court next after the passage of this Act.

A. D. 1850.

VI. That from and after the passing of this Act, the jurisdiction of the City Court of Charleston shall be limited to the trial of causes arising under the Ordinances of the City Council of Charleston, and that the terms of the said City Court of Charleston heretofore established by the Acts of the General Assembly relative thereto, be, and the same are hereby, abolished, and the Recorder of the city of Charleston shall sit at such times as may be fixed by the Ordinances of the City Council of Charleston from time to time.

Jurisdiction of City Court of Charleston.

VII. That all causes, both of a civil and criminal character, other than causes arising under the Ordinances of the City Council of Charleston, now pending in the said City Court of Charleston, shall be transferred to the Court of General Sessions and Common Pleas for the District of Charleston, in the state of pleading in which the same shall be at the time of the ratification of this Act; and all judgments now in the office of the Clerk of the City Court of Charleston, and all executions, writs, and process now in the office of the Sheriff of the city of Charleston, other than judgments, executions, and process arising under the Ordinances of the City Council of Charleston, shall be transferred respectively to the offices of the Clerk of the Court of General Sessions and Common Pleas and of the Sheriff of the District of Charleston, which causes, judgments, executions, writs and process shall be of like validity and force as if the same had originated or been sued out of the Court of General Sessions and Common Pleas for the said District.

Civil and criminal causes.

VIII. That from and after the passage of this Act, no appeal from the judgment of the Court of Common Pleas for Charleston District, shall operate to supersede or suspend the effect of the same, except as to the issuing of a *expias ad satisfaciendum*, unless the presiding Judge shall grant an order for the stay of execution: *Provided, nevertheless*, That the plaintiff, before a sale by the Sheriff, in case of notice of appeal, shall enter into bond, with two or more sureties to be approved by the Clerk of the said Court, to the defendant, his executors, administrators, or assigns, in four times the amount of the said judgment, or of the value of the goods levied upon, to be appraised by the Sheriff, to be filed with the record, to pay all damages to the appellant, his heirs, executors, administrators or assigns, in case the said appeal shall be sustained: *And provided, also, nevertheless*, In case the appellee shall proceed to levy upon the property of the appellant, the said appellant shall be entitled to stay the sale, upon entering into bond to the appellee, his executors, administrators and assigns, with two or more sureties, to be approved by the Clerk of the said Court, to be filed with the record, in double the value of the property levied upon, or the amount of the judgment, at the option of the appellee, conditioned to pay the value of the said property, or the amount of the said judgment, with legal interest thereon, and costs, in case such appeal shall be dismissed or abandoned.

Appeals.

Proviso.

Proviso.

IX. That the Recorder of the city of Charleston shall be in-

A. D. 1856.
 Recorder of
 Charleston,
 powers, &c.

vested with power to examine and supervise all prosecutions, commitments and warrants of arrest commenced before or issued by any Magistrate in the District of Charleston, for all larcenies and misdemeanors; and it shall be his duty from time to time, at short intervals, and also when any application shall be made to him, to examine into the character and circumstances and merits of the same at any time before bill found, and to direct the discontinuance of the same, either unconditionally or on such terms and conditions as may seem to him most conducive to the ends of justice; and for this purpose, the said Recorder is hereby authorized to summon before him the parties and such witnesses as he may deem necessary.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4261. AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER COMPANY OF RIFLEMEN WITHIN THE LIMITS OF THE INDEPENDENT BATTALION.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and he is hereby, authorized and empowered to inspect and receive into the battalion known as the Independent Battalion, and now attached by law to the Thirteenth Regiment of Infantry, a new volunteer company of riflemen, to be called the "Palmetto Rifles," any law to the contrary hereof notwithstanding.

Palmetto Rifles.

Officers, &c.

II. That the said company shall have attached to the same one Captain, two Lieutenants, two Sergeants, and two Corporals, and shall consist of not more than thirty, nor less than fifteen, including officers, non-commissioned officers and privates, any law to the contrary notwithstanding; and whenever reduced below the number of fifteen, above required, if it shall not recruit to such number within six months, after notice to its commander to fill up its ranks, it shall be dissolved, and the commissions of its officers vacated.

Requirements.

III. That the said company shall be subject to all laws and regulations governing the Independent Battalion, and shall conform to all the requisitions of the laws of this State relating to volunteer companies, except as herein provided.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE SOUTHERN PORCELAIN MANUFACTURING COMPANY.

A. D. 1856.

No. 4262.

Corporators.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That George M. Newton, William W. Davies, Thomas Barrett, James Hope, William W. Harrison, Robert H. Gardiner, William H. Farrar, Holman, Curtis & Company, Charles J. Jenkins, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby, declared a body politic and corporate, by the name and style of the "Southern Porcelain Manufacturing Company," with power to have, use, and alter at their pleasure, a common seal; to make all needful rules, by-laws and regulations for their government; and to excavate, sell and manufacture porcelain clay, in the District of Edgefield, in the said State.

Southern Porcelain Manufacturing Company.

II. That said corporation may purchase, hold and enjoy such real estate as may be necessary and proper for the procurement of porcelain clay, and other earths and minerals used in the manufacture thereof, and for the convenient and certain supply of firewood; and that their capital stock shall not exceed the sum of two hundred thousand dollars.

Powers and privileges.

III. That this Act shall be and continue of force for twenty-one years.

Extent of Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT FOR THE BETTER ESTABLISHMENT OF A GENERAL SYSTEM OF REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS IN THE STATE OF SOUTH CAROLINA.

No. 4263.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall be the duty of the Tax Collectors of the different Districts and Parishes of this State to require of the inhabitants of the said Districts and Parishes, at the time of making their general tax returns, a separate return stating the number of whites, male and female, who have been born, married, or who have died during the year in their respective households, and the number of blacks who have been born or who have died during the same period, and return the same to the Comptroller General; and in each case in which the Tax Collector neglects his duty he shall be fined five dollars, and the citizen refusing charged five per cent. on his general tax.

Tax Collectors to perform certain duties.

II. That one Register shall be appointed by the Governor, whose

Registrar, his duty.

A. D. 1856.

duty it shall be to receive from the respective offices of the Comptroller General, in Charleston and Columbia, the returns of the Tax Collectors, and make and publish a full report of the same annually, filing a copy of his report in the Comptroller General's office, both in Charleston and Columbia.

Non-tax-payers.

III. That in order to ascertain as accurately as possible the number of births, marriages and deaths of non-tax-paying whites, it shall be the duty of the Tax Collectors to ascertain from the Magistrates, Physicians and Ministers of the Gospel of the different Districts and Parishes, the number of births, marriages and deaths that have taken place among the persons within their jurisdiction or belonging to their congregations respectively; and it shall be the duty of the Registrar to draw out a proper form of registration for the Tax Collectors of the different Districts and Parishes, and for the use of the Magistrates and Ministers of the Gospel of the said Districts and Parishes.

Salary of Registrar.

IV. That the said Registrar shall receive annually the sum of four hundred dollars for his services.

Fees of Tax Collectors.

V. That the Tax Collectors shall be entitled to retain out of the taxes collected by them three cents for the entry of each birth, death or marriage required by this Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4264. AN ACT TO ABOLISH THE OFFICE OF TAX COLLECTOR FOR SALEM COUNTY, AND FOR OTHER PURPOSES.

Office abolished.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the office of Tax Collector of Salem County, from and after the expiration of the term of office of the present incumbent as such Tax Collector, be abolished, and that that part of Salem County lying within the election County of Clarendon be assigned to the Tax Collector of Clarendon, and so much of Salem County as lies within the election County of Claremont be assigned to the Tax Collector of Claremont, to be thenceforth known and designated as the Tax Collector for Sumter; and that the said Tax Collectors shall be required to collect the taxes of such portions of Salem as have been herein assigned to them respectively, and to account for the same according to law; and that the bond of the Tax Collector of Sumter shall thenceforward be in the sum of fifteen thousand dollars, and that of the Tax Collector of Clarendon in the sum of twelve thousand dollars.

Duties thereof, by whom to be performed.

Amount of bond.

Commissioners of Poor.

II. That the Board of Commissioners of the Poor for Salem County be abolished, and that the Commissioners of the Poor

heretofore constituting said Board, who reside in Clarendon election County, be attached to the Clarendon Board of Commissioners of the Poor, and that the Board thus constituted extend over the whole of Clarendon election County; and that such of the Commissioners of the Poor heretofore constituting the said Salem Board, residing in Claremont election County, be attached to the Claremont Board of Commissioners of the Poor, and that the Board thus constituted extend over the whole election County of Claremont.

A. D. 1856.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW THE CHARTERS OF OTHERS HERETOFORE GRANTED," PASSED ON THE TWENTIETH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE, AND FOR OTHER PURPOSES. No. 4265.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to incorporate certain religious and charitable societies, and societies for the advancement of education, and to renew the charters of others heretofore granted," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, be so amended that the body politic and corporate therein chartered under the name and style of "The Covington Seminary in Edgefield," shall have and bear the name and style of "The Curryton Seminary in Edgefield," and shall be invested with all the powers and privileges conferred in said Act upon said body politic under the name and style of "The Covington Seminary in Edgefield."

Act amended.

Covington Seminary.

II. That all Acts heretofore done and performed by the said body politic under the name and style of "The Sweetwater" or "The Curryton Seminary in Edgefield," be, and the same are hereby, confirmed and declared to be as legal and valid, to all intents and purposes, as though done under the name and style of "The Covington Seminary in Edgefield."

Previous Acts to be valid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1856.

No. 4266.

AN ACT TO INCORPORATE THE GREENVILLE AND FRENCH BROAD RAILROAD COMPANY WITHIN THE LIMITS OF SOUTH CAROLINA.

Greenville and
French Broad
Railroad.

Powers and
privileges.

Election of
President and
Directors, &c.

President and
Directors to be
elected annu-
ally. Vacan-
cies, how filled,
&c.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of enabling the Greenville and French Broad Railroad Company, organized under an Act of the State of North Carolina, ratified on the thirteenth day of February, in the year of our Lord one thousand eight hundred and fifty-five, to carry out the objects of said Act, said company shall have corporate existence in this State, and by the name and style of the "Greenville and French Broad Railroad Company," shall have continued succession of officers and members, and a common seal, and to break and alter the same at pleasure, sue and be sued, answer and be answered unto, by their corporate name aforesaid, in any of the courts of law or equity in this State, and possessed of the powers hereinafter granted.

II. That in all elections of President and Directors, and in the making, altering and repealing of by-laws, and in determining on questions involving the interest of the company at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of three or four shares shall be entitled to two votes; the owner of five or six shares shall be entitled to three votes; the owner of seven or eight shares shall be entitled to four votes; the owner of not less than nine nor more than eleven shares shall be entitled to five votes; the owner of not less than twelve nor more than fifteen shares shall be entitled to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; the owner of not less than forty-one nor more than one hundred shares, to ten votes for forty shares, and one vote for every eight shares thereafter; the owner of more than one hundred and not less than two hundred shares, to vote as herein provided for one hundred shares, and to one vote for every ten shares above that number; and the owner of more than two hundred shares to vote as herein provided for two hundred shares, and one vote for every twenty shares above that number. No one but a stockholder shall be capable of being a proxy, and the appointment of a proxy shall be in writing and verified as may be required by the laws of the company; and any person offering to vote as a proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock in which he or she proposes to vote as proxy.

III. That the President and Directors shall be elected annually, according to the by-laws to be made for that purpose, and in case any vacancy occurs in the Board of Directors between the periods of general elections, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect, by ballot, from

the stockholders, a person to fill said vacancy until the next general election of Directors; but if it happens that the day of annual election of President and Directors shall pass without the election of all or any of them being effected the corporation shall not be dissolved or discontinued thereby, but said company shall make such election on any other day and in such manner as may be prescribed by the by-laws of the incorporation.

A. D. 1856.

IV. That said company shall be capable, at all times, of making and establishing, altering and revoking all such regulations, rules and by-laws for the government of said corporation and its Directors as they may find necessary and proper for effecting the ends and purposes intended by the association contemplated by this Act: *Provided*, Such regulations and by-laws be not repugnant to the Constitution of this State, or any other State, through which the road hereby authorized to be built may pass.

Privileges.

Proviso.

V. That said company is hereby authorized to construct a railroad, with one or more tracks, either from Greenville or Spartanburg, in this State, along the valley of the French Broad to Paint Rock, and for this purpose they shall have power and capacity to purchase, take and hold, in fee simple or for years, to them and their successors, any lands, tenements and hereditaments that they may deem necessary for a site on and along which to locate, run and establish the railroad aforesaid; and in like manner to purchase, take and hold any lands contiguous to, or in the vicinity of said railroad, that they may find necessary for the procuring, and from time to time, readily obtaining, all proper materials of what kind soever, for constructing, repairing, grading and sustaining said railroad, and in like manner to purchase all private rights of way or water courses that may lie on or across the route through which the said road may pass, and also of all lands contiguous thereto that may be found necessary for the erection of toll houses, store houses, work shops, barns, stables, residences and accommodations for servants, agents and mechanics, and for stabling and maintaining all animals of labor; and the said company shall have power, if necessary, to conduct their railroad across and over any public road, river, creek, or water course that may be in the route: *Provided*, That the passage of the road, or the navigation of the stream, be not obstructed thereby.

Privilege, with power incident thereto.

Proviso.

VI. That in any case where lands or private rights of way may be required by the company aforesaid, and the same cannot be purchased of the owner or owners for want of agreement of the parties as to price, or from any other cause, the same may be taken by the company at a valuation to be made by five Commissioners, or a majority of them, to be appointed by the Court of Common Pleas of the District or County in which any part of said land or right of way may be situated; and the said Commissioners, before they act, shall severally take an oath before some Magistrate, faithfully and impartially to discharge the duties assigned them; and in making the said valuation the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right of way being taken, and the advantage from the establishment or erection of the railroad works, and shall state particularly the nature and amount of each,

Lands and private rights of way, how to be obtained.

A. D. 1856.

and the loss thus sustained shall form the measure of damages for land or right of way; and the proceedings of said Commissioners, accompanied with a full description and plat of said lands, shall be returned under the hands of a majority of said Commissioners to the court from which the commission issued, there to remain of record; and if either party is dissatisfied with the decision of said Commissioners, he, she or they may appeal to the next term of the court granting the commission, giving a reasonable notice to the opposite party of such appeal, and the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the lands and the right of way so valued by the Commissioners and jury shall vest in said company in fee simple so soon as the valuation thereof is paid or tendered and refused; where there shall be an appeal as aforesaid, from the valuation of the Commissioners by either of the parties, the pending of such an appeal shall not prevent the company from proceeding in the construction of their work in and upon said land or way; but when the appeal shall be taken by the company requiring the surrender, they shall be at liberty to proceed in their work only on condition of giving to the opposite party a bond, with good security, to be approved by the Clerk of the Court where the valuation is returned in a penalty equal to double the valuation for the payment of said valuation and interest in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court; and in all assessments to be made by the Commissioners or jury, as aforesaid, after the construction of the road or the part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of said road or part thereof; and the use thereof by said company for the purpose of said road shall be considered an actual possession of said land covered by the said road, and the space of one hundred feet on both sides thereof. In all cases of appeal full costs shall be awarded and the collection thereof enforced, as in case of trespass on the case.

Grants, &c.

VII. That in the absence of any written contract between the company and any owner or owners of said land through which the said railroad may be constructed, in relation to said land, it shall be presumed that the land upon which the said railroad may be constructed, together with one hundred feet on each side of the centre of said road, has been granted to the said company by the owner or owners thereof, and the said company shall have good right and title to the same, and shall have, hold and enjoy the same, unto them and their successors, so long as they may be used only for the purposes of said road, and no longer, unless the person or persons to whom any right or title to such lands, tenements, or hereditaments descend, or come, shall prosecute a suit for the same within ten years next after the construction of such part or portion of said road as may be constructed upon the land of the person or persons so having or acquiring such right to the title, as aforesaid; and if any person or persons to whom any right or title to said lands, tenements, or hereditaments along it shall hereafter descend or come, do not prosecute a suit for the same within two years next

after the construction of the part of said road upon the lands, or the person or persons so having or acquired said right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever barred to recover the same: *Provided*, That nothing herein contained shall affect the rights of *feme covert*s, infants, persons *non compos*, or beyond the seas, until two years after the removal of their respective disabilities.

A. D. 1856.

Proviso.

VIII. That all lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of said road that may be constructed, be, and they are hereby vested in said company and their successors, so long as the same is used for the purposes of said company, and no longer.

Grant of land.

IX. That the said company shall at all times have the exclusive right of conveyance or transportation of persons, merchandise and produce over the railroad to be by them constructed, while they see fit to exercise such rights; and said company is hereby authorized to fix and determine the rates of charge for the transportation of persons, merchandise and produce, so as to secure a reasonable and adequate return upon their capital invested, not to exceed the average annual yield on such capital, after paying all expenses, of twenty per centum. The said company may, at their discretion, let or farm out all or any part of their exclusive right of transportation of persons, merchandise and produce, with their privileges, to any person or persons, or other company, and for such time as may be agreed upon, subject always to the provision contained in this Section in relation to the rates of charge; and the said company, in the exercise of their right of conveyance and transportation of persons and property, and the persons so taking from the company the right of conveyance or transportation, so far as they act on the same, shall be regarded as common carriers; and the said company may use and employ any section of their proposed road before the whole shall be complete, which may afford public accommodation for the conveyance of persons, merchandise and produce; and the said company shall have power to take, at their store houses, which they may establish or annex to said road, all goods, wares, merchandise and produce intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable prices and compensation for services or storage as they may, by public regulation, establish, or as may be agreed upon with the owner.

Right of conveyance and transportation.

X. That whenever the said company shall see fit to farm out, as aforesaid, to any person or persons, or body corporate, any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open said railroad, or any part thereof, to public use, they shall and may adopt and enforce all rules and regulations, prescribe the construction and size or burthen of all carriages and vehicles, and the materials of which they shall be made, that shall be used on said road, and the locomotive power that shall be applied or used with them.

Rules and regulations.

XI. That if any person or persons shall intrude on said railroad, or any part thereof, by any manner of use thereof, or of the rights or privileges connected therewith, without the per-

Intrusions upon road privileges.

A. D. 1856.

mission, and contrary to the will of the said company, he, she, or they shall forfeit to the company all vehicles articles and animals that may be so intrusively introduced and used thereon, and the same may be seized by the company or its agents, or recovered by suit at law; and moreover, the persons so intruding shall and may be indicted as for a misdemeanor, and upon conviction may be fined and imprisoned at the discretion of the court before which he, she, or they shall be tried and convicted; and if any person shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct said railroad, or any vehicle, edifice, or privilege granted by this Act and constructed and employed under the authority thereof, such persons so offending may be indicted as for a misdemeanor therefor, and on conviction, fined and imprisoned at the discretion of the court, and shall be further liable to pay the said company all damages occasioned by such injury, and the expense of repairing the same; and one-half of all fines that may be imposed by the court, under this Act, shall be paid to the informer, and the other half to the company; and the provisions of this Section shall be extended as well to the owners of the lands through which said road may be constructed, as to other persons; and no owner or other person, claiming under him or her, shall avoid said provisions under the plea of *liberum tenementum*, or by any other plea whatever.

Secretary and
Treasurer of
company, &c.

XII. That the President and Directors of said company, a majority of them being present, shall have power and authority to nominate and appoint a Secretary and Treasurer, and all other officers, agents and servants that they may deem necessary, or that may be prescribed in the by-laws of the said company, and to remove the same at pleasure; and also, to require and take from all the officers, agents and servants such bond or bonds and security as the Board or the by-laws may prescribe for securing the fidelity, obedience and accountability of said officers, agents and servants, and their punctual surrender and delivery of all money and property on the termination of their offices by resignation, removal, expiration of their term, or otherwise.

Payments by
stockholders.

XIII. That every subscriber or holder of stock in said company shall pay to the company the amount of shares by him or her subscribed, or held in such instalments not exceeding ten per centum at any one time, and at such periods, with intervals of not less than sixty days, as shall be prescribed and called for by the Directors, of which periods of payments and the sums required the Board of Directors shall cause public notice to be given for at least four weeks before such periods of payments, by advertisement in one or more public newspapers; and on failure of any subscriber or stockholder to pay up any instalments so called for by the Directors, the shares upon which default be made, together with any part therein, shall be forfeited to the company and be appropriated as they shall see fit; and the said company shall and may prescribe in and by their by-laws, rules and regulations, the mode of issuing the evidence of stock, and the manner, terms and conditions of assigning and transferring the same.

Instalments,
dividends, con-
tracts, &c.

XIV. That the President and Directors shall have power to call for all instalments, declare all dividends of profits, make all con-

tracts and agreements in behalf of the company, and to do and perform all other lawful acts and deeds which, by the laws of the corporation, they may be authorized and required to do and perform; and the acts and contracts of said Board, authenticated by the signatures of the President and Secretary, shall be binding on the company without seal. The Directors shall not exceed, in the contracts, the amount of capital in the company, and in case they do so the President and Directors who are present at the meeting when any such contracts exceeding the capital shall be made, shall be jointly and severally liable for the excess, as well to the contractors as to the company: *Provided*, That any one may discharge himself from liability by voting against such contract in the minutes of the Directors, and giving notice thereof to the next general meeting of the stockholders. The President and Directors shall keep minutes of all their meetings, and the acts then done, and they shall make a full report of the state of the company, and its affairs, to a general meeting of the stockholders, at least once a year, and oftener, if so directed by the by-laws, and they shall have power to call a general meeting of the stockholders when they deem it expedient; and the company may provide in their by-laws for the occasional meeting of the stockholders, and prescribe the mode of calling the same.

A. D. 1856.



Proviso.

XV. That the following officers and persons, while in the actual employment of said company, shall be exempt from the performance of military duty, viz: The Chief Engineer and Assistant Engineers, the Commissioner and Superintending officer, and Secretary and Treasurer, keeper of depots, the guard stationed on the road to protect it from injuries, and all persons actually employed in working the locomotive engines, and in traveling with cars, for the purpose of attending to the transportation of passengers or goods on said road.

Exemptions from military duty.

XVI. That said company may at any time increase their capital stock to an amount sufficient to complete and equip the road hereby authorized to be built, and for this purpose may levy an assessment of not more than twenty per centum on the stock, under such rules, regulations and restrictions as they may prescribe.

Stock to be increased.

XVII. That the franchise hereby granted, shall vest in, belong to, and be enjoyed by said company and their successors, for the period of one hundred and ninety years, and the profits thereof shall be divided among the stockholders in proportion to the stock owned by them respectively.

Term of Act.

XVIII. That on failure of any stockholder to pay his instalments, or any one of them, as called for, and his or her stock shall be sold by the company, as herein provided, and if the same shall not produce a sufficient sum to pay off the incidental expenses of said sale, and the entire amount due to said company for such subscription of stock, then, and in that case, the whole of such balance shall be held due at once to said company, and may be recovered of such stockholder, or his executors or administrators, at the suit of said company, either by summary motion in any Court of Common Pleas, in the District or County where such delinquent resides, on a previous notice of ten days, to such delinquent subscribers, or by an action of assumpsit in any court of competent jurisdiction,

Failure to pay instalments.

A. D. 1856.

or by warrant before a Magistrate, when the same does not exceed one hundred dollars; and in case of the assignment of stock, before the whole amount has been paid to the company, then for all sums due on the said stock, both the original subscriber, and the first and all subsequent assignees, shall be liable to the company, and the same may be recovered as above prescribed.

Vacancies.

XIX. That in case a vacancy shall happen between two periods of general election in the office of the President of the company, by resignation, removal, death, or otherwise, another shall be appointed by the Directors from among themselves or the stockholders of the company, who shall have and exercise all the power, privileges, and authority pertaining to said office, until another is duly elected, and enters upon the duties thereof.

Meetings.

XX. That in all annual or occasional meetings of the stockholders, a majority of stock, and in all meetings of the Directors, a majority of the Directors, shall constitute a quorum to do business.

Stock.

XXI. That the said company shall have power, in this State, to open books of subscription to the capital stock of said company, and to appoint Commissioners to take the same, at such times and places as the said company may order and direct, until two millions of dollars of stock shall have been subscribed, in shares of fifty dollars each.

Trusts.

XXII. That no share shall, at any time, be sold, conveyed, transferred, or held in trust for the use and benefit of another, whereby the said company, or any member thereof, shall be made to answer any such trust; but that every such person appearing to be the owner of stock, shall, as to all others of the company, be, to every intent and purpose, taken absolutely as such; but between the Trustees and the persons for whose benefit such trust shall be executed, the common remedy may be pursued.

Further provisions.

XXIII. That the said "Greenville and French Broad Railroad Company" shall have power to borrow on the credit of said company any amount they may see fit, not exceeding two millions of dollars, and may give a mortgage or lien on said road, or any other portion thereof, which money shall be expended only in the construction of said road: *Provided*, That nothing in this Act contained, shall be so construed as to impair, in any manner, vested chartered rights of any turnpike company, over which said railroad may be built, without a reasonable compensation, to be ascertained in the same manner provided for the compensation of land.

Public Act.

XXIV. That this Act shall be regarded as a public Act, and given in evidence as such, and shall be in force from and after its ratification.

Exemption from certain provisions.

XXV. That the said "Greenville and French Broad Railroad Company" shall be, and is hereby, exempted from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation shall hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one; but nothing herein contained shall be construed to exempt the said company

from the provisions of the said forty-first Section, upon any future grant, renewal or modification of their charter.

A. D. 1856.

XXVI. That all the rights and privileges granted by this Act shall cease and determine, unless the said company shall, within five years from the ratification of this Act, actually commence, and within fifteen years complete so much of the said railroad as lies within this State.

Extent.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROMOTE THE EFFICIENCY OF THE VOLUNTEER SYSTEM IN THE STATE OF SOUTH CAROLINA. No. 4267.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who shall serve as members of any of the volunteer companies of the State of South Carolina for the term of fourteen years consecutively shall be thereafter exempt from the performance of ordinary militia duty.

Provisions.

II. That all Acts and parts of Acts repugnant to this Act be, and the same are hereby, repealed.

Acts repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES. No. 4268.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ferry heretofore known as "Godfrey's Ferry," over the Great Pee Dee River, be, and the same is re-chartered, for the term of five years, and vested in Josiah R. Harrell, his heirs and assigns.

Godfrey's Ferry.

II. That the ferry known as "Britton's Ferry," over Great Pee Dee River, be, and the same is hereby, re chartered, for the term of one year, and vested in Mary Eaddy, her heirs and assigns, with the following rates of toll, to wit: For man and horse, twelve and

Britton's Ferry.

A. D. 1856.

a half cents; for horse and buggy, twenty-five cents; for horse and sulky, or cart, twenty-five cents; for carriage or wagon drawn by two horses, seventy-five cents; for carriage or wagon drawn by four or more horses, one dollar; for loose horses or cattle, each, six and one-fourth cents; for each passenger on foot, six and one-fourth cents; and for stable ferriage, double the above rates.

Jarret's Bridge

III. That the bridge known as "Jarrett's Bridge," over Tugaloo River, be, and the same is hereby, chartered for the term of five years, with the same rates of toll as are allowed by law for Samuel Knox's Bridge on said river, and vested in C. Jarrett, his heirs and assigns.

Road in St. Matthew's.

IV. That the neighborhood road in St. Matthew's Parish, leading from Haig's landing, on Santee River, to Rast's Ford, on Four Hole Swamps, by the way of J. A. Bookhardt's, Mrs. Felkel's and Jericho Church, be, and the same is hereby, established as a public highway; that G. D. Tilley, S. B. Parler, J. A. Bookhardt, Henry Haigler, R. M. Glaze and A. G. Gates, be, and they are hereby, appointed Special Commissioners to straighten, widen, and mark out the same; and that the Commissioner, or Commissioners, in whose division or divisions the said road may be located, shall, upon notice given in writing by the said Special Commissioners, be required to straighten, widen and put the same in good order as a public highway.

Road in Clarendon.

V. That a new road in Clarendon District be, and the same is hereby, established as a public highway, leading from Fulton, by the way of Pine Log Church, and across Sammy Swamp, at or near the head of R. Harvin's mill pond, to the village of Manning; that Thomas N. Broughton, Dempsey Griffin and J. S. Tindal, be, and they are hereby, appointed Special Commissioners to locate and mark out the same; and that the Commissioner, or Commissioners, in whose division or divisions the said road may be located and marked out, shall, upon notice given in writing by the aforesaid Special Commissioners proceed forthwith to open and put the same in good order as a public highway.

Road from the village of Manning.

VI. That a new road be, and the same is hereby, established as a public highway, leading from the village of Manning across the Pocotaligo and Black River Swamps, and through Salem to Lynch's Creek; that Samuel Harvin, Joseph Burgess, R. P. Haynsworth, J. S. McFadden, W. J. McFadden, A. H. Thompson and L. McIntosh, be, and they are hereby, appointed special Commissioners to locate and mark out the said road; and it shall be the duty of the Board of Commissioners of Roads for Clarendon District, upon notice given said Board, in writing, by the aforesaid special Commissioners, to proceed forthwith to open and put the same in good order, and that they be authorized and required to construct, by contract, good and substantial causeways and bridges across and over Pocotaligo and Black River Swamps, at the expense of the District of Clarendon, the amount to be raised by assessment.

Table Mountain Turnpike Company.

VII. That John Bowen, and such other persons as may be associated with him, be, and they are hereby, authorized, at their own expense, to lay out, construct and keep in repair a turnpike road in Pickens District, commencing at some point near Pumpkintown, on the road leading from that place to Caesar's Head, and running

A. D. 1856.

thence through the cove near the Table Rock and up Slicking Creek to the North Carolina line; and for the purpose of establishing the said turnpike road, the said John Bowen and his associates, shall be, and they are hereby, constituted a body politic and corporate by the name and style of "The Table Mountain Turnpike Company," with all the powers and privileges, and subject to the duties and liabilities conferred and imposed upon the Keowee Turnpike Company by an Act entitled "An Act to incorporate the Keowee Turnpike Company," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-eight. In case of non-agreement between said company and any land owners as to the value of land that may be taken for said road, the value thereof shall be ascertained as is provided in such case by the charter of the Greenville and Columbia Railroad Company; and in all cases of appeal, full costs shall be awarded and the collection thereof enforced as in cases of trespass on the case.

VIII. That the charter of the Gap Creek and Middle Saluda Turnpike Company be, and the same is hereby, amended so as to empower the said company to surrender to the Board of Commissioners of Roads for Greenville District that portion of their road leading from Runnel's Ford, on Middle Saluda, to Greenville Court House: *Provided*, The said Board agree to accept the same.

Gap Creek and Middle Saluda Turnpike Company.

IX. That when the said Gap Creek and Middle Saluda Turnpike Company shall have completed their road to the North Carolina line, it shall be the duty of the said Commissioners of Roads to take charge of, and keep in repair, such portion of the said road as may be agreed on between them and the said company: *Provided*, That all persons working on the said roads shall be allowed to pass over the same free of pikeage.

Repairs, &c.

X. That the Board of Commissioners of Roads for St. Stephens' Parish shall hereafter consist of eight instead of seven members.

St. Stephen's Parish.

XI. That from and after the passing of this Act the Commissioners of Roads within Claremont election District be, and they are hereby, declared to constitute one Board of Commissioners, whose jurisdiction shall be limited to Claremont election District, which said Board shall hold their meetings at Sumter Court House. The new Board hereby originated shall consist of a number of Commissioners equal to that of which both the Claremont and Salem Boards, within Claremont election District, is now composed, which said Board shall be known and designated as the Board of Commissioners of Roads for Sumter District.

Commissioners of Roads for Claremont.

XII. That E. N. Fuller, Edward W. Seabrook, Edward M. Baynard, Ephraim S. Mikell, Thomas A. Baynard, Ephraim C. Bailey, Joseph W. Seabrook, Oliver H. Middleton, James E. Whaley and Ephraim M. Seabrook, or such of them as may act in this behalf, be authorized and empowered, at their own expense, to build and construct a road and wharf from a point at or near the mouth of Cuthbert's Creek to the main public road on Edisto Island, and to appropriate for a landing place connected with such wharf such quantity of land, not exceeding one acre, as they may think fit, which road, wharf and landing, when completed in a good and substantial manner, to be approved by Commissioners of Roads for St. John's Colleton, shall be public for the common use for all the

Road from Cuthbert's Creek.

A. D. 1856.

people of this State, and shall be kept in repair from time to time by the inhabitants of said island, under the direction of the Commissioners of Roads for St. John's Colleton: *Provided*, That before entering upon the land of Miss Mary Seabrook, or the estate of William Seabrook, or of John Hannahan, if he be so minded, compensation be made by the said E. N. Fuller and other petitioners for such road and landing, or a majority of them, to the owner, or to the purchasers in case any of the land be sold in the meantime, for the value of the premises taken for public use as well as for the damages generally to the same, to be assessed in the same manner and subject to the same right of appeal as is provided in case of lands taken for the construction of railroads authorized by law.

Powers and
duties of Com-
missioners of
Roads.

XIII. That the several Boards of Commissioners of Roads, Bridges and Ferries in this State shall have power, and they are hereby required to commute with any incorporated railroad company, or their employees, at the rate of fifty cents per day for each day they are ordered out to work on any road or bridge, any officer, Engineer, Assistant Engineer, or other person in the actual employment of such railroad company, for the District, Parish or division wherein such officers, Engineers or other persons are liable to do road duty: *Provided*, Such power of commutation shall not be intended or construed to extend to any railroad, or any unfinished part thereof, while in course of construction.

St. John's
Berkeley.

XIV. That the Board of Commissioners of Roads for the Parish of St. John's Berkeley shall hereafter consist of eighteen members.

Ditches, &c.

XV. That hereafter any inhabitant of this State shall have power, for the purpose of draining his or her lands, to cut a ditch or ditches, canal or canals, across any public highway in this State: *Provided*, Such person shall be bound to bridge such ditch or canal, under the direction of the Board of Commissioners of Roads, Bridges and Ferries for the District, Parish or division in which such ditch or canal shall be cut, and keep the same in good repair for one year, after which time the Board of Commissioners shall take charge of such ditches or canals and keep them open and in repair.

Upper street
in Columbia.

XVI. That the Regents of the Lunatic Asylum be, and they are hereby, authorized to close that part of Upper street, in the plan of the city of Columbia, lying between Henderson and Barnwell streets and adjacent to the Asylum grounds.

Bridge across
Edisto river.

XVII. That the Commissioners of Roads for Barnwell District and for Orange Parish be, and they are hereby, authorized and required to erect a free bridge across Edisto river, between the Districts of Barnwell and Orangeburg, at or near the place where Tucker's bridge formerly stood; and for that purpose they are hereby authorized and required to assess, according to law, the sum requisite for building said bridge, and that the said bridge, when finished, shall be under the jurisdiction of said Commissioners.

Road in
Union District.

XVIII. That a new road be, and the same is hereby, established as a public highway, leading from Suple Jack Branch to Jenning's Depot, Union District, through the lands of William H. Sarter, Abram McJunkin, James H. Sage, David J. Fant and William N. Askew; that William S. Humphries, William S. McJunkin and

Maberry Thomas be, and they are hereby, appointed special Commissioners to locate and mark out the same; and that the Commissioner in whose road division the said road may be located, shall, upon notice given in writing by the said special Commissioners, proceed forthwith to open and put the same in good order as a public highway.

A. D. 1856.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE AIR LINE RAILROAD COMPANY No. 4269.
IN SOUTH CAROLINA.

Whereas the State of Georgia has granted to the "Georgia Air Line Railroad Company" a charter for the construction of a railroad from the city of Atlanta to some point on the boundary line of South Carolina, in the direction of Anderson Court House, with a view to connect with the railroads of this State at that place, and thence by the most practicable and suitable route to some point of connection with the Charlotte and South Carolina Railroad:

Preamble.

And whereas it is highly expedient for the interests of a large portion of the people of Georgia, South Carolina and the Southern States that such a railroad communication should be established, but such communication cannot be effected without the co-operation of this State in opening a way for the same through its territory:

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James W. Harrison, James L. Orr, J. P. Reed, Daniel Brown, Elias Earle, Stephen McCully, Alexander Evius, O. R. Broyles, J. N. Whitner, B. F. Crayton, John T. Sloan, Elijah Webb, Samuel G. Earle, A. T. Broyles, William Sloan, L. A. Osborne, F. E. Harrison, and such other persons and corporations as may be associated with them and their successors and assigns be, and they are hereby, created a body politic and corporate, by the name and style of the "Air Line Railroad Company in South Carolina," and in and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State or the United States, may make by-laws and appoint all necessary officers and prescribe their duties, and may accept, purchase, hold and convey any property, either real or personal, necessary for the purposes hereinafter mentioned, may make contracts, have and use a common seal and do all other lawful acts properly incident to and connected with said incorporation and necessary for the control and transaction of its business: *Provided*, That their by-laws be not repugnant to the Constitution and laws of this State or of the United States.

Corporators.

Name, powers and privileges.

A. D. 1856.

Subscriptions
to capital stock

II. That for the organization of said company, the persons hereinbefore named, or a majority of them, shall have power to appoint the times and places at which subscriptions for stock in said company may be taken, and appoint all necessary Commissioners and agents to superintend the same, and every person, corporation, company, or body politic, subscribing at any such times or places, or at any time or place afterwards, under the direction of a majority of said corporators, or Directors, hereinafter named, shall be stockholders in said company, and shall pay in the stock so subscribed for, at such times and in such amounts as the by-laws and regulations of said company may require, and said corporators, or a majority of them, shall, within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which they shall give thirty days' notice, in such public papers of this State as they may deem necessary, at which time and place, or at any other time or place of which notice may be given as aforesaid, said stockholders may proceed to the organization of said company by the election of a President and six Directors, who shall constitute the first Board of Directors, and said President and Directors shall hold their offices for one year, and until their successors are elected, and may prescribe in their by-laws the time and manner of holding their subsequent annual elections for President and Directors; and in all cases the stockholders shall have the right to vote in person, or by proxy, duly executed, and said stockholder shall be entitled to one vote for each share he, she, or they may have held in his, her, or their own right, or as trustee for another, for three months next preceding any such election. The said Board of Directors shall have power to fill all vacancies which may occur in their own body, until the regular annual election by stockholders, and shall fix the compensation of the President. Five Directors shall constitute a quorum for the transaction of business, of whom the President shall be one, except in cases of his sickness or absence, when his place may be filled by one of the Directors present, to be elected President *pro tempore*, by a majority of the Board present.

President and
Directors.

Capital.

III. That the capital stock of said company shall be one million of dollars, which may be increased to an amount not exceeding the cost of the construction and outfit of said road, to be divided into shares of one hundred dollars each, and said shares shall be transferrable on the books of the company in such manner as may be prescribed by the Board of Directors; and no stockholder indebted to said company shall transfer his, her, or their stock, without the consent of the Board of Directors.

Powers.

IV. That said company shall have full power and authority to survey, lay out and construct a railroad from the line of the State of Georgia, in the direction of the city of Atlanta, to Anderson Court House, and thence to some point of connection with the Charlotte and South Carolina Railroad, in the direction of Charlotte, North Carolina, or in their discretion, from the Greenville and Columbia Railroad, at or near the town of Newberry, to some point of connection with the said Charlotte and South Carolina Railroad, at or near the town of Chesterville, and the same to equip, use and enjoy, with all the rights, privileges and immunities granted to the Greenville and Columbia Railroad Company, under the Act

incorporating the same, and the several Acts amendatory thereof, so far as they may be applicable to the purposes of the charter hereby granted.

A. D. 1856.

Right of way.

V. That all questions concerning the right of way between the said company and the owner of any lands over which the said railroad may be located, where the parties cannot agree concerning the same, shall be adjusted and determined in the same manner as provided for determining the right of way by the Act incorporating the Greenville and Columbia Railroad Company, passed on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five. In all cases of appeal full costs shall be awarded, and collection thereof enforced as in cases of trespass on the case.

Further powers, with conditions.

VI. That it shall be lawful for the said "Air Line Railroad Company in South Carolina," to build or make one or more branches of said road to such points as they may deem necessary: *Provided*, Such branches shall not conflict with any chartered rights at the time of their construction: *And provided, further*, That any other railroad company shall have the right to connect their road with the road herein authorized to be constructed, and to cross the same at such places and so often as may be necessary.

Combination.

VII. That it shall and may be lawful for the said company to combine or unite with any other railroad company having the right so to do, and to consolidate the management of the companies so combining, if they shall deem it necessary, and to make any regulations for the use of, or combination of the interest and management of said roads as the public good may require and to them may seem meet.

Damages.

VIII. That for any damage that may be done to the said railroad, its machinery or fixtures, the party offending shall be subject to the same penalties, and in the same manner as is provided by the ninth Section of an Act entitled "An Act to incorporate the Blue Ridge Railroad Company in South Carolina," for damage done to that road.

Public Act.

IX. That this Act shall be deemed and taken to be a public Act, and shall continue of force for one hundred and ninety years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CHARTER A BANK IN THE TOWN OF SUMTER.

No. 4270.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That such persons as may associate themselves together for the purpose of establishing a bank in the town of Sumter be, and

A. D. 1856.

Name.

they are hereby, declared a body politic and corporate, by the name and style of the Bank of Sumter, which said bank shall have a capital of three hundred thousand dollars, and be entitled to all the rights and privileges, and subject to all the restrictions, limitations and conditions conferred and imposed upon the "Planter's and Mechanics' Bank of South Carolina."

Subscriptions
to capital stock.

II. That the Comptroller General shall be authorized and required to appoint fit and proper persons as Commissioners at Columbia, Charleston, Sumter and elsewhere, as he may decide, to open subscriptions between the first day of February and the first day of November next, to the capital stock of the said bank, and to require five dollars on each share from subscribers, in specie, or notes of specie paying banks of this State, and shall deposit the same in such bank as a majority of the subscribers shall designate, for the use of the said bank, on the first meeting of the subscribers. That as soon as the subscription shall be filled to the amount of the capital stock of the said bank, it shall be the duty of the Comptroller General to notify said subscribers to meet, who shall thereupon become a body corporate and politic, and make all by-laws, not inconsistent with the laws of the land, provide for the election of officers, the division of the capital stock, the payment of the subscriptions, and all arrangements to put the said bank in operation: *Provided*, That the said bank shall not issue any bill or note, or transact any business, until satisfactory proof shall be given to the Comptroller General that one-half of the capital stock of the said bank has been paid in, one moiety thereof in gold or silver, and the other moiety in notes of specie paying banks: *And provided, further*, That in case of over subscription to the stock of the said bank, the said subscription shall be reduced *pro rata*, but no subscription of five shares or under shall be reduced; and it shall not be lawful for any person to subscribe for shares in the name of other persons. No loan shall be made on pledge of stock of the said bank until one year after the whole capital shall have been paid in. The officers of the said bank shall not be exempt from militia duty, or from serving on juries.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4271. AN ACT TO INCORPORATE THE STATE AGRICULTURAL SOCIETY
OF SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the society organized on the eighth day of August, in the year of our Lord one thousand eight hundred and fifty-five, for

Name and
powers.

the improvement and development of the agricultural, horticultural, mechanical, manufacturing and artistic resources of the State, under the name and style of "The State Agricultural Society of South Carolina," be, and the same is hereby, declared a body politic and corporate, for the term of fourteen years, and, as such, is authorized to use a common seal, to sue and be sued, to plead and be impleaded, under the said name and style, and to adopt such a constitution and pass such by-laws as may, in the opinion of the members of said society, appear best calculated to promote the aims and objects of the said association.

A. D. 1856.

II. That said society is hereby authorized to purchase and hold real estate: *Provided*, The same shall not exceed the value of twenty five thousand dollars; and to invest funds in stocks within this State, or bonds secured by mortgage, or in other personal securities: *Provided*, That the amount so invested shall at no time exceed the sum of one hundred thousand dollars.

Real estate.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR. President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REVIVE AND RENEW THE INCORPORATION OF THE CHARLESTON PORT SOCIETY FOR PROMOTING THE GOSPEL AMONG SEAMEN. No. 4272.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of incorporation of the Charleston Port Society for promoting the Gospel among Seamen, be revived, and that all act and acts, and thing and things, done by the said Charleston Port Society for promoting the Gospel among Seamen, since the expiration of its said charter of incorporation in December, in the year of our Lord one thousand eight hundred and fifty-three, be, and the same are hereby, declared valid and binding, and that all property, real and personal, held by the said Charleston Port Society for promoting the Gospel among Seamen, at the time of the expiration of its said charter of incorporation, and all property, real or personal, acquired by the said Charleston Port Society for promoting the Gospel among Seamen, by purchase or otherwise, since the time of the expiration of its said charter of incorporation, be confirmed in the said Charleston Port Society for promoting the Gospel among Seamen.

Charter revived.

II. That the Charleston Port Society for promoting the Gospel among Seamen, be, and the same is hereby, re-incorporated under the name of the Charleston Port Society for promoting the Gospel among Seamen, with perpetual succession of officers and members, and with all the rights, powers and privileges heretofore granted to

Re-incorporation.

A. D. 1856.

the same by its former charters of incorporation, and with power to hold property, real and personal, to the amount of fifty thousand dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4273. AN ACT TO ABOLISH THE OFFICE OF CORONER FOR WILLIAMSBURG DISTRICT.

Office abolished.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the office of Coroner for the District of Williamsburg, be, and the same is hereby, abolished, and that the duties imposed upon, and the rights vested in the office of Coroner for the District aforesaid, be, and the same are hereby imposed upon and vested in the Tax Collector of Williamsburg District.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4274. AN ACT TO INCREASE THE AMOUNT OF SECURITY REQUIRED BY LAW TO BE GIVEN BY VARIOUS PUBLIC OFFICERS FOR SPARTANBURG DISTRICT.

Bond increased.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the official bond of the Sheriff of Spartanburg District shall hereafter be taken in the penal sum of thirty thousand dollars, and the official bond of the Ordinary of Spartanburg District in the penal sum of fifteen thousand dollars; said bonds to be taken and approved by law.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE HEARING OF APPEALS FROM THE COURTS OF LAW AND EQUITY, FOR COLLETON DISTRICT, AT COLUMBIA INSTEAD OF AT CHARLESTON.

A. D. 1856.

No. 4275.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all appeals, motions in arrest of judgment, or for a new trial from the courts of law and equity for Colleton District shall, after the first day of February next, be heard at Columbia instead of at Charleston, as now provided by law.

Act changed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT DEFINING THE POWERS OF COMMISSIONERS OF CUTS AND WATER COURSES IN THIS STATE. No. 4276.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the duties, powers, privileges and penalties hereinafter prescribed for the Commissioners of New Town Cut shall be, and the same are hereby, appointed and prescribed for the Commissioners of all other cuts and water courses in this State, so far as they may be applicable; and all Acts and clauses of Acts now of force in this State, relating to cuts and water courses, and not subversive of the provisions of this Act, shall continue of force as heretofore.

Commissioners of Cuts and Water Courses.

II. That Commissioners of New Town Cut shall continue to be appointed by Joint Resolution of both branches of the Legislature, as heretofore. The terms of office of the said Commissioners shall be the same as now required by law. They shall perform the duties, be invested with the powers and privileges and be subject to the penalties hereinafter designated; and in case of the death or resignation of any Commissioner, or removal from the Parish or refusal to serve, the general Board of Commissioners for the Parish of St. John's Colleton shall appoint a Commissioner to fill such vacancy, who shall serve the unexpired term: *Provided*, That in no case shall a Commissioner be appointed who shall not, at the time of such appointment, be liable to work on or contribute labor to the said New Town Cut, or be liable to assessment for the same.

New Town Cut.

III. That if any person who shall be appointed a Commissioner of the said New Town Cut shall, after having received notice of the same, refuse or fail to act, without sufficient cause, to be determined by the Board of Commissioners of Roads and Cuts for the Parish of St. John's Colleton, or shall neglect his duty after acting, he shall forfeit and pay, for the use of said cut, the sum of fifty dollars, to be recovered by indictment.

Penalties.

A. D. 1856.

Exemptions.

Liability to labor.

Duties of Commissioners

Proviso.

Powers.

IV. That all persons shall be exempt from appointment as Commissioners of Roads, or of any cut or water course, within three years after they have served as Commissioners of the said cut.

V. That the plantations, and owners of slaves, and other inhabitants, now included within the territory liable to contribute labor or to be assessed for the said cut, shall continue to be liable as heretofore, without any alteration whatsoever.

VI. That it shall be the duty of the aforesaid Commissioners to see and ascertain, from time to time, that the said cuts and the mouths or entrances thereof, including New Town Creek, leading into Ashley River, and the creek leading into Stono River, are open and free to the customary navigation for boats drawing not more than four feet water, except at such times as may be necessary to close the same for purposes of repair or other necessary work; but in no case shall the said cut or creeks be closed so as to prevent the free passage of such boats for a longer period than two consecutive months, or without thirty days' previous notice, signed by the said Commissioners and published in at least one of the daily newspapers in the city of Charleston. And it shall be the further duty of the said Commissioners to see and provide that no logs, stumps, shell banks, sand bars, marshes, mud banks, or any other obstacle to the free, safe and convenient passage of such boats, at the usual time of tide, be allowed to remain in the said cut, or in the said creeks leading thereto, so as to cause manifest injury or inconvenience to navigation. And it shall be the further duty of the said Commissioners to keep in firm and good condition the banks or causeways of the said cut, where such banks or causeways may be necessary, so that they shall be above tide water, and shall be free from all such breaks, sluices or other obstacles as may be an impediment to the uses and objects of the said cut. And it shall be the further duty of the said Commissioners, and they are authorized and empowered, for the better navigation of the aforesaid cut and creeks, to make, open, dig out, cleanse and keep in repair new channels through such points of marsh mud as project out into the said creeks and impede the transit of such boats by forming curves or banks in the said creeks. And it shall likewise be the duty of the said Commissioners to have all such work done as may from time to time be expedient and necessary for the preservation and use of the said cut and creeks, notwithstanding such work be not designated in this Act: *Provided*, That in case the said Commissioners shall open any new channel through such projecting points of marsh land as impede and delay the navigation of the said creeks, the proprietor or owner of the said marsh land shall be entitled to such reasonable compensation for the appropriation of the said land to the public use as may be deemed a fair equivalent by three discreet and disinterested citizens, to be selected by the mutual consent of the said Commissioners and the said proprietor or owner; the said compensation to be paid out of the funds of the said New Town Cut.

VII. That the said Commissioners shall be, and they are authorized and empowered to keep the said cut and creeks in repair, and to dig out, clear, cleanse, shorten, straighten and make navigable the same, either with the labor of such male inhabitants as shall be

liable to work on the said cut and creeks, or by contract with one or more persons, or by hiring slaves or other persons.

VIII. That if the said Commissioners shall determine to work or repair the said cut and creeks by means of the labor of the said male inhabitants, then, and in that case, it shall be the duty of the said Commissioners to call on the inhabitants and owners of slaves within the territory liable to do duty on the said cut to make a return (on oath, if required,) of all the male slaves belonging to them, or under management or direction, between the ages of sixteen and fifty years, and who reside within the aforesaid territory for the greater part of the year, to such person, at such place, and within such time as they shall appoint; and the said Commissioners, or either of them, are authorized to administer the oath prescribed by law for Commissioners of Roads in such cases. And if any inhabitant, or owner or manager of slaves, as aforesaid, shall refuse or neglect to make such return, the said Commissioners, or a majority of them, are authorized and required to make an assessment on such defaulter according to the best information they shall receive, of a sum not to exceed three dollars for every such male slave so refused or neglected to be returned, to be recovered by warrant of distress under their hands and seals.

A. D. 1856.
Further duties.

IX. That in case the said Commissioners shall determine to work or repair the said cut and creeks by means of the labor of the aforesaid male inhabitants as aforesaid, it shall be the duty of the said Commissioners to summon, with at least six days' previous notice, all the aforesaid male inhabitants to be and appear, with such requisite tools and implements as the Commissioners shall require, at such place, and at such times as the said Commissioners shall appoint, except in the following cases, viz: If any part or portion of the banks of the said cut shall be washed away or broken by storms, inundations or otherwise, or if any other unusual obstruction shall occur in the said cut or creeks requiring immediate work, in any of which cases one day's notice shall be sufficient; and the work done at one day's notice shall be duly credited to the inhabitants which shall have done the same, so that the said work shall be deducted from the labor to be required of the said inhabitants at the next general working of the said cut and creeks, or from the tax to be levied on the said inhabitants when the next general assessment or assessments shall be made, whichever may first ensue, one day's work to be cancelled by credit for another day's work, or else for one dollar for each slave, and two dollars for each free white inhabitant. And if any person or persons shall, without sufficient cause, to be determined by the said Commissioners, refuse or neglect to go, or to send their male slaves, or the male slaves under their management, when thereunto summoned by the Commissioners aforesaid, or by any person appointed by them, each and every of such person or persons shall forfeit and pay to the said Commissioners, for the use of the said cut, the sum of two dollars per day for every free white male inhabitant, and one dollar per day for every male slave so neglected or refused to be sent, to be recovered by warrant of distress under the hands and seals of said Commissioners, or a majority of them: *Provided*, That no inhabitant shall be required to work on the said cut or creeks more than

A. D. 1856.

three days in a year, except in cases of accident or emergency as herein provided.

X. That if the said Commissioners shall determine not to work or repair the said cut and creeks by means of the labor of the said male inhabitants, but shall determine to let out the said work by contract, or to hire slaves or other persons for such purpose, then it shall be the duty of the said Commissioners, and they are authorized and empowered, to levy annually an assessment on each male inhabitant liable to duty on the said cut and creeks; but no assessment shall exceed the sum of four dollars for a white male inhabitant, or two dollars for a slave.

XI. That it shall be the duty of the said Commissioners, after having determined the amount to be assessed, to furnish the Tax Collector for the Parish of St. John's Colleton with a written notice of the same, specifying the amount assessed on each male inhabitant of the said Parish, and likewise to furnish the Tax Collector for St. Andrew's Parish with a similar notice, specifying the amount assessed on each male inhabitant of the said Parish. And it shall be the duty of the said Tax Collectors, and they are hereby authorized and required, at the next general collection of taxes in their respective Parishes ensuing after the receipt of the said notice, to collect and require the payment of the said assessment, as now required by law when assessments are made by Commissioners of Roads, and pay the same to the said Commissioners at or before the time fixed by law for paying the general taxes into the Treasury of the State. And in case of the refusal or neglect of the said Tax Collectors, or either of them, to perform the duties required of them by this Act, such defaulting Tax Collector shall be liable, as now provided by law, for default in collecting or paying over taxes assessed by other District Boards.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4277. AN ACT TO PROVIDE FOR THE TRANSFER OF THE PAPERS OF THE OFFICE OF SUPERINTENDENT OF PUBLIC WORKS TO THE SECRETARY OF STATE'S OFFICE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the records, books and papers belonging to the office of the Superintendent of Public Works be transferred to the office of Secretary of State, as part of the records of said office.

Certified
copies of deeds,
&c.

II. That the Secretary of State be authorized and required, upon the application of any person interested therein, to give certified copies of any deed, grant, or other paper belonging to the said

office, which said copies may be used in evidence in any court of law or equity in this State, in like manner as office copies of other records are now used, and that he be authorized to charge therefor the same fees as are now allowed by law for the like service.

A. D. 1856.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE ACT OF INCORPORATION OF THE TOWN OF ABBEVILLE SO AS TO GIVE TO THE TOWN COUNCIL THE POWER TO IMPOSE TAXES, AND FOR OTHER PURPOSES. No. 4278.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Town Council of the town of Abbeville be, and they are hereby, authorized and empowered to impose an annual tax, not to exceed the rates per centum or sums hereinafter specified, upon the following property, and after the following manner, for the use and service of said town, that is to say: Twenty cents on every hundred dollars of the cash value of all real estate lying within the corporate limits of said town, (the real estate of churches and school associations excepted,) which valuation shall be ascertained and fixed by the Town Council for the time being: *Provided*, That if the owner of any real estate shall consider himself aggrieved by such valuation, he shall have the right to appeal to a special jury or five freeholders, to be drawn by ballot from the list of persons who own real estate and are resident within said corporation, to whom the matter shall be submitted, and whose decision shall be final; fifty cents on each negro between the ages of sixteen and fifty years; five dollars on each free negro between the ages of sixteen and sixty years, unless it shall be shown to the satisfaction of the Council that any such free negro, from maims or other causes, is unable to procure his or her livelihood; three dollars on every pleasure carriage in use, drawn by two or more horses; two dollars on every buggy, gig, sulkey, barouche and other like vehicle, drawn by one horse; five dollars on every omnibus, hack or carriage, drawn by two or more horses, and used for hire; three dollars on every buggy, gig, sulkey, barouche, and other like vehicle, drawn by one horse, and used for hire; five dollars on every four horse wagon used for hire; three dollars on every two horse wagon, dray or cart used for hire; ten cents on every hundred dollars of the sales of all merchandise between the first day of January in any one year and the first day of January in the next succeeding year; fifteen cents on every hundred dollars of professional income, including the income of lawyers, physicians and dentists; ten cents on every hundred dollars of income arising from

Taxes to be imposed.

A. D. 1856.

any mechanical employment; five dollars on every daguerreotypist, ambrotypist, or other person practicing a like art or profession, who may open a car or room within said corporation; fifty cents on each dog; five per centum on the value of all sales made at auction by transient persons; two per centum on the value of all sales of shoes, medicines, leather, hats, tobacco, books, and such like articles, made by transient persons exposing the same for sale on the public square or within the limits of the incorporation, with power to the said Town Council to collect the said five per centum and two per centum in the manner hereafter provided, at any time after such sales, and before such transient person shall leave the limits of the incorporation; and also to impose a tax, within their discretion, upon all shows or exhibitions for gain or reward.

Returns to be made on oath, &c.

II. That returns of the value of sales of all merchandise, and also of the amount of professional and mechanical income, shall be made upon oath to the Town Council by the parties who may be liable to pay a tax on the same during the month of January of each year for the preceding year; and the said tax shall be paid by the first day of March next ensuing.

III. That the owners of other property than real estate, upon which a tax is herein authorized to be levied, shall make their returns, upon oath, to the Town Council, of the amount or value thereof, as the case may be, during the month of January in each year, and pay the taxes thereon by the first day of March next ensuing.

Patrol duty.

IV. That the said Town Council shall have power to compound with all persons liable to patrol duty, by requiring the payment of an annual sum of money in lieu of the performance of such duty, the money so received to be applied to the public use of said corporation; and all persons failing or refusing to pay such commutation shall be liable to such fines and penalties as the said Town Council may impose.

Marshals.

V. That the said Town Council shall power to elect one or more Marshals, to fix their salaries and prescribe their duties, the said Marshals to be duly sworn in, and invested with all the powers Constables now have by law, in addition to the duties prescribed by the Town Council, and whose jurisdiction and authority shall be confined to the corporate limits of said town.

Qualification for voters.

VI. That every person who shall be qualified to vote for Intendant and Wardens of the said town shall, at least one week previous to any election of Intendant and Wardens, register his name in a book to be kept by the Intendant or Clerk of the Council for that purpose, and shall pay into the treasury of said town the sum of one dollar, and no person failing to comply with these requisitions shall be allowed to vote at any such election.

Payment of taxes.

VII. That the said Town Council shall have power to enforce the payment of all taxes and assessments levied under the authority of this Act against the property and persons of defaulters, to the same extent and in the same manner as is provided by law for the collection of the general State tax, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal or other person especially appointed by the Council to collect the same; the

money so collected to be applied to the public uses of the said corporation. And all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof, in preference to other debts due by the person owning the property at the time of the assessment, except debts due the State, which shall be first paid. And that the said Town Council shall file in the office of the Clerk of the District, a full exhibit of their receipts and expenditures at least one week before the annual election for Intendant and Wardens.

A. D. 1856.

VIII. This Act shall be deemed and taken to be a public Act, and shall continue in force for three years from and after the first day of January next.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE LAURENSVILLE FEMALE COLLEGE. No. 4279.

Whereas many friends of female education in this State subscribed large sums "for the purpose of establishing a female college within the corporate limits of Laurensville, South Carolina, to be under the control of the Presbyterian denomination of Christians;" and whereas an Executive Committee, appointed by them, memorialized the Presbytery of South Carolina, (a Presbytery under the jurisdiction of the General Assembly of the Presbyterian Church in the United States of America, popularly recognized as the Old School General Assembly,) at the Spring Sessions of said Presbytery, in the year of our Lord one thousand eight hundred and fifty-six, praying that said college be taken under its fostering care; and whereas said memorial was referred to a Committee in order that said Committee report thereon to said Presbytery at its Fall Sessions in the year aforesaid; and whereas the said report was made accordingly, and committed by said Presbytery to a special Committee; and whereas the said special Committee, subsequently, in the latter sessions, reported, for the consideration of said Presbytery, the following resolutions, to wit: "*Resolved* 1. That Presbytery consent to appoint twenty-four Trustees for said college; the first eight for three years, the second eight for two years, the third eight for one year; and then, annually, eight to be appointed in the place of the eight to go out of office." "2. That sixteen, at least, of these Trustees always be members of the Presbyterian Church, and seven shall be necessary to constitute a quorum to transact business." "3. The entire management of the institution to be committed to the Trustees, and they be required to report annually to this body." "4. No pecuniary responsibility at

Preamble.

A. D. 1856.

any time, or under any circumstances, to be incurred by this body;” and whereas the aforesaid resolutions, coming on to be considered, were adopted by said Presbytery, and the said Presbytery therefore appointed the following Trustees of said institution, to wit: For three years: Dr. John W. Simpson, Rev. David Wills, Samuel R. Todd, John A. Egleberger, Samuel Fleming, Henry C. Young, J. Wistar Simpson and Rev. Edward T. Buist. For two years: Col. John D. Williams, Rev. Thomas L. McBride, D. D., Rev. Z. L. Holmes, Rev. Thomas A. Hoyt, Rev. John McLees, Rev. Savage Smith Gaillard, Hon. Thomas C. Perrin and Hon. Joseph N. Whitner. For one year: Hon. David L. Wardlaw, Hon. Job. Johnston, James Farrow, Esq., Rev. George Howe, D. D., Andrew Crawford, Rev. John L. Kennedy, Rev. J. Kirkpatrick, D. D., and Rev. R. C. Grier, D.D.:

Name.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Trustees aforesaid, and their successors in office, to be appointed as aforesaid, by the said Presbytery, or such Presbytery as shall regularly succeed the same, and have ecclesiastical jurisdiction of the site of said college, as aforesaid, be, and they are hereby, created and declared a body corporate, under the name and style of “Trustees of Laurensville Female College,” with all the capacities, powers and liabilities incident to corporations, and upon the terms stated in the resolutions hereinbefore recited, and subject to said terms, and to the Constitution and laws of this State; shall have power to make by-laws for their own government and that of the institution.

Powers.

II. That said Presbytery have power, at any time, and from time to time, to remove such of said Trustees as they may deem proper to remove, and to supply vacancies arising from such removal or otherwise.

uties.

III. That in case the said college shall fall through, either before it goes into operation or afterwards, it shall be the duty of the said Presbytery, or of said Trustees, to apply to the Court of Equity for the sale of the property of said corporation, which court shall order said sale, and call in the creditors of the institution and the contributors to its funds, and decree an account of all the corporation assets, and shall judge the whole proceeds, after paying debts and expenses of suit, to be liable to the claims of those who have contributed, or shall contribute, property or money for the purposes aforesaid, so far as shall be necessary to reimburse said contributors: *Provided*, Said claims be made within two years after said decree, and that any overplus that may remain, or any fund not so claimed, be ordered by said court to be vested at interest, subject to the future order of said court, to be made for setting on foot any other institution for female education within the corporate limits of Laurensville, under the control of the “Presbyterian denomination of Christians,” which said court may, on application, approve. That said Trustees do, within one year from this date, file in the Ordinary’s office of Laurens District, and in the office of Commissioner in Equity for said District, a list of said contributors, with the sums or property contributed by them; and also, within one

year, of any future contributions, shall file as aforesaid a list of the same as aforesaid.

A. D. 1856.

Public Act.

IV. That this Act be deemed a public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED. No. 4280.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons, citizens of the United States, who have resided six months in the town of Clinton, in the District of Laurens, shall be deemed and are hereby declared to be a body politic and corporate, under the name and style of Clinton. The corporate limits of said town shall extend one mile in every direction from the railroad depot now standing in said town, and the said corporation is hereby invested with all the powers and privileges, and subjected to all the restrictions and conditions which by law are conferred and imposed upon the corporation of the town of Newberry.

Town of
Clinton.

II. That the Town Council of the village of Orangeburg be, and the same are hereby, authorized and empowered to require the Marshal of the said village to commit to the public jail, for a time not exceeding twenty-four hours, any person who, within the corporate limits of said village, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or conduct grossly indecent or dangerous to the citizens of said village, or any of them. And the Sheriff of Orangeburg District, for the time being, is hereby authorized and required to receive and keep in custody any person who may be so committed, until discharged by the order of the said Marshal, or of the Intendant and Wardens of said village, or either of them.

Village of
Orangeburg.

III. That the charter of the town of Summerville be, and the same is hereby, so amended that every free white male inhabitant of the said town, of the age of twenty-one years, who is a citizen of the United States, has resided in the said town at least six months previous to an election, and who actually makes the town of Summerville his place of summer residence, shall be entitled to vote at any election for Intendant and Wardens of said town, and that no person shall be eligible to either of the said offices unless he is seized and possessed, in his own right, of a house and lot in said town.

Town of
Summerville.

A. D. 1856.
Public Act.

IV. That this be taken and construed to be a public Act, and continue of force for fourteen years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4281. AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the officers and members of the Congaree Lodge, number twenty-nine, Independent Order of Odd Fellows, be, and the same is hereby, declared and constituted a body politic and corporate, by the name and style of the "Congaree Lodge, number twenty-nine, Independent Order of Odd Fellows."

II. That the said society, according to its by-laws, shall have succession of officers and members, and shall have power to make by-laws not repugnant to the laws of the land; and to have, use, and keep a common seal, and the same to alter at will; to sue and be sued in any court of this State, and to have and enjoy every right, power and privilege incident to such incorporations; and they are hereby empowered to hold, retain, possess and enjoy, all such property, real and personal, as they may now have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall not exceed the sum of twenty thousand dollars.

III. That "Howard Lodge, number three, of the Independent Order of Odd Fellows," "Jefferson Lodge, number four, of the Independent Order of Odd Fellows," and "Marion Lodge, number two, of the Independent Order of Odd Fellows," be, and the same are hereby, re-chartered for the term of fourteen years from and after the expiration of their present charters, with all the rights, powers and privileges heretofore granted to them respectively, together with the right to purchase and hold real and personal property, to an amount not exceeding twenty thousand dollars.

IV. That the charter of the "Edgefield Palmetto Fire Engine Company," be, and the same is hereby, extended to the term of fourteen years, and that during such period the said company shall be entitled to all the powers and privileges, and subject to the same conditions as are expressed in the original charter of said company.

V. That the charter of the "South Carolina Grand Lodge of the Independent Order of Odd Fellows," be, and the same is hereby,

Howard
Lodge.
Jefferson
Lodge.
Marion Lodge.

Edgefield Palmetto Fire Engine Company.
Grand Lodge of South Carolina.

revived and extended for the term of fourteen years, with all the rights, powers and privileges heretofore granted, and that the name of the said corporation be changed to that of the "Right Worthy Grand Lodge of the Independent Order of Odd Fellows of the State of South Carolina."

A. D. 1856.

VI. That the "Provident Institution for Savings in the city of Charleston," shall hereafter be known by the name and style of the "Charleston Savings Institution," and the said corporation shall be capable of receiving on deposit all sums which any person or persons may offer, without the limitation prescribed in the Act of incorporation, and the charter of the said corporation as now amended, shall be, and the same is hereby, renewed and extended for another term of fourteen years from the expiration of its present charter.

Provident Institution for Savings.

VII. That the eleventh Section of an Act entitled "An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others," ratified the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, be so amended as to authorize the "Charleston Fire Company of Axemen" to increase the number of their members to seventy-five.

Act amended.

VIII. That B. T. Rogers, C. H. Ludekens, Salles Randall and their associates, members of the "Aiken Building Association," be, and they are hereby, incorporated by the name and style of the "Aiken Building Association," with power and authority to make by-laws for the government of the said corporation, and to provide for the admission of new members, and that the property now vested in Trustees for the use of said association, be, and the same is hereby, vested in the said corporation.

Aiken Building Association.

IX. That the charter of the "South Carolina Building and Loan Association," be, and the same is hereby, so amended that, in addition to the loans to be made as therein provided, the said corporation shall be authorized and empowered to make loans and advances of money to their members as heretofore, on the security of personal property, and particularly on the security of the stock of the said corporation.

South Carolina Building and Loan Association.

X. That W. C. Gatewood, James M. Caldwell, L. T. Potter, J. D. Kirkpatrick, John R. Dukes, J. P. Stewart, and their associates and successors, be, and they are hereby, constituted and declared a body politic and corporate, with all the rights, powers and privileges incident thereto, by the name and style of the "Railroad Accommodation Wharf Company," with a capital of two hundred thousand dollars, to be divided into shares of one thousand dollars each, and that the said company may increase their capital stock to any amount not exceeding three hundred thousand dollars. The said company, according to its by-laws, shall have succession of officers and members, shall have power to make by-laws not repugnant to the laws of the land, to have and use a common seal, and the same to alter at will, to sue and be sued in any court in this State, to hold, possess and enjoy such property, real and personal, as it may now possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to, or in any manner acquired by it, and to sell, alien and transfer the same, or any part thereof.

Railroad Accommodation Wharf Company.

A. D. 1856.

Verne Zobre
Creek Com-
pany.

XI. Whereas Langdon Cheves, Jr., J. J. Pringle Smith, Allen S. Izard, and other proprietors of lands situated on the Savannah River, in the Parish of Saint Peters and District of Beaufort, in this State, (which lands have heretofore been subject to great injury from the inundations of the said river,) have associated themselves together and subscribed certain amounts on behalf of their said plantations, to construct a freshet bank, and thereby secure the said lands; and from said amount so subscribed, an embankment has been constructed from Savannah back river, adjacent to Verne Zobre Creek, in said parish, from the east side across the swamp to the high land, and the said persons have agreed and desire that provision should be made to preserve, secure and extend the same, if necessary, and to that end that their said plantations should remain subject to a certain assessment or rate of contributions, and that to carry out these objects more conveniently, they should be invested with certain corporate powers:

Be it therefore enacted, That the said Langdon Cheves, Jr., J. J. Pringle Smith, Allen S. Izard, and the other proprietors of plantations adjacent to Verne Zobre Creek, in Saint Peter's Parish, who shall enter into and execute an act of association and covenant, setting out the objects as above indicated, and charging their said plantations (which shall be therein particularly specified and described) for themselves, their heirs and assigns, with such assessments and rates of contribution as may be therein declared and fixed, shall be, and the same are hereby, created a body politic and corporate, by the name of the "Verne Zobre Bank Company," and according to its by-laws shall have succession of officers and members; shall have power to have and use a common seal, and the same to alter at will, to sue and be sued in any court in this State, and shall have and enjoy every right, power and privilege incident to such corporation. That such company shall have power to make all such regulations and by-laws for their government, not repugnant to the laws of the land, and to impose such contributions and assessments, (not exceeding the amounts declared in such act of association,) and to establish all such provisions as they may deem necessary and proper, consistent with this charter, to secure and preserve the said bank, and to extend the same, as to said company may seem practicable, and to appoint one or more persons to carry out such measures and regulations as may be determined on, and to conduct the affairs of the company generally: *Provided,* That no such rule, regulation, by-law or assessment shall bind any member of the said company, which has not received the assent of a majority of the company, and whose plantation, taken together, shall be liable to more than one-half of the whole assessment or contribution, and that the persons, if more than one, who may be the proprietors of any plantation described in the act of association, and charged with liability to assessment, shall, as such, be entitled to only one vote as members of the said company. When any member of the said company shall, by death, alienation or otherwise, cease to be a proprietor of any one of the plantations described in the said act of association, he shall thereupon cease to be a member of said company, and the person or persons purchasing or acquiring a title in such plantations, shall thereby become a member

or members of said company. All other persons, proprietors of plantations adjacent to said bank, who may at any time after the organization of the said company, become a party to the said act of association, and charge their plantations (which shall be therein described) with such assessment as may be determined by a majority of the said company, shall, with the consent of the said company, become members of the same. It shall, at all times, be lawful for the members of the said company to give their votes as to any rules and regulations, or any assessment or contributions, or measures to be adopted by the said company, either by proxy through another member, or in writing, to be signed by them personally, in such manner as shall be determined by said company. The said company shall have power to acquire and hold the land on which the said bank has been constructed, and any other land that may be regarded desirable or proper for carrying out the aforesaid objects, not exceeding five hundred acres, and also any personal estate that may be necessary for carrying out the aforesaid objects, not exceeding ten thousand dollars in value. The said act of association shall, within four months after its execution, be recorded in the office of the Clerk of the Court of Common Pleas for the District in which the plantations therein described are situated.

A. D. 1856.

XII. That the charter of the "Camden Fire Engine Company," be, and the same is hereby, renewed for the term of fourteen years from and after the expiration of its present charter: *Provided*, The members of the said company be subject to such regulations as may be made by the Town Council of Camden for the government of the company. The members of the said company, not exceeding forty-five in number, shall be, and they are hereby, declared exempt from ordinary militia duty, but shall be liable to perform duty in time of alarm, insurrection or invasion, and shall not be exempt from draft for actual service.

Camden Fire
Engine Com-
pany.

XIII. That Elly Hughes, B. D. Beaty, William H. Johnston, James W. Roberts, and their associates and successors, be, and they are hereby, declared to be a body politic and corporate, by the name and style of the "Brown Swamp Navigation Company," for the purpose of making and keeping Brown Swamp, in Horry District, a navigable stream from Elly Hughes' Ford, on said swamp, through Jordan's Lake and Jack's Lake to the mouth of the said Jack's Lake, where it intersects the Little Pee Dee River, and by such name may sue and be sued in any court of this State, may have and use a common seal, and the same may alter at will, may make such by-laws, rules and regulations, not repugnant to the laws of the land, as said company may deem expedient, and generally may have and enjoy every right and privilege incident to corporations. The said company shall have power to charge all persons, not being owners of land adjacent to said swamp, who may use the same, the following rates, viz: Ten cents per thousand on shingles; twenty cents per thousand on pine staves; thirty cents per thousand on oak staves; six cents per stick on ton timber, and one dollar on loaded flats.

Brown Swamp
Navigation
Company.

XIV. That the "Hanging Rock Band," be, and the same is hereby, re chartered for the term of fourteen years, with the same

Hanging Rock
Band.

A. D. 1856. powers, rights, privileges and immunities as heretofore granted to its members.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4282. AN ACT TO AUTHORIZE THE TOWN COUNCIL OF PICKENS TO CHANGE THE PLAN OF SAID VILLAGE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Town Council of the village of Pickens shall have power and authority to close the Main street of said town, lying north of the public square, and lying and running between lots numbers fourteen and fifteen, to Boundary street, by uniting the said lots, and also to close the Main street south of the public square, and lying and running between lots numbers six and seven, by uniting the said lots, and shall have power to vest titles for the same in the owners of said lots: *Provided*, That the owners of the said lots shall cede to the said Town Council so much of their respective lots, numbers six and seven, as will enable the said Town Council to open the alleys running between lots numbers six and five, and numbers seven and eight, to fifty feet in width, and so much of lots numbers fourteen and fifteen as will enable said Town Council to open the alleys running between lots numbers thirteen and fourteen, and fifteen and sixteen, to fifty feet wide, and that all the cross streets and Main street, south of the first street south of the public square, be closed as the Council may decree.

Streets to be closed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4283. AN ACT TO AUTHORIZE THE COLLECTION OF INTEREST ON JUDGMENTS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases where any judgment may be recovered in any of the courts of this State, the amount actually due on said

Judgments.

judgment, exclusive of cost, shall bear interest from the date of such judgment, and that the collection of such interest may be enforced by execution, in the same manner as now provided by law for the collection of interest.

A. D. 1856.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE FOURTH SECTION OF AN ACT ENTITLED "AN ACT CONCERNING THE OFFICE AND DUTIES OF ORDINARY," RATIFIED THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-NINE. No. 4284.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth Section of an Act entitled "An Act concerning the office and duties of Ordinary," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-nine, be so altered and amended as to read as follows: When the deceased has left a will, in writing, without having appointed an executor therein, or, having appointed one, such executor shall have departed this life without having qualified thereon, or being alive shall have refused to qualify, it shall be the duty of the Ordinary, in whose office such will shall have been proved, to grant letters of administration, with the will annexed, to such persons as would have been entitled thereto if the deceased had died intestate: *Provided*, Such persons shall take an interest, present or expectant, under such will, equal in value to the distributive share to which they would have been entitled had the deceased died intestate. And in case no one of the distributees at law of such deceased shall take an interest, under such will, equal in value to the interest he would have taken if the deceased had died intestate, then to such persons as shall have the greatest interest in sustaining such will, in the order of their interests. And in case no person taking interests under such will shall apply within three months after the death of the testator, then to the greatest creditor or creditors; and in default of such applying, then to such other persons as may apply therefor.

Act amended.

Proviso.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1856. AN ACT TO REQUIRE SHERIFFS TO GIVE NOTICE OF MONEY
 COLLECTED BY THEM.
 No. 4285.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of the Sheriff of every District in this State, on the receipt of any money in his office on account of any plaintiff in execution, or other person entitled thereto, within one month to give notice, in writing, of the same to such plaintiff, or his attorney, or other person entitled to the same, by personal service, or through the postoffice: *Provided*, The plaintiff or his attorney, or other person so entitled to the money as aforesaid, shall endorse on the execution, to whom and where such notice shall be given; and on failure of any such Sheriff to do so, he shall be subject to all the liabilities imposed by an Act entitled "An Act to amend the law in relation to Sheriffs," passed the eighteenth day of December, Anno Domini one thousand eight hundred and forty-six; and for which notice the Sheriff shall be entitled to retain twenty-five cents in each case.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4286. AN ACT TO INCORPORATE THE CENTRAL PRESBYTERIAN CHURCH
 OF THE CITY OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John W. Caldwell, William Birnie, J. J. McCarter, William H. Gilliland, James S. Bowie, Edward Sebring and their associates, representing the corporation of the Third Presbyterian Church of the city of Charleston, be, and the same are hereby, incorporated and created a body politic, under the name and style of the "Central Presbyterian Church of the city of Charleston," with all the rights and powers heretofore granted to the Third Presbyterian Church of the city of Charleston.

II. That all the lawful acts and contracts of the said Third Presbyterian Church, and all the lawful acts and contracts made, done or entered into by the persons representing the said Third Presbyterian Church, from the expiration of its charter to the passage of this Act, be, and the same are hereby, confirmed and made binding upon the said Central Presbyterian Church; and that all lawful acts, contracts and conveyances made and entered into by others with the parties aforesaid since the expiration of the charter aforesaid, be confirmed to the said Central Presbyterian Church, and the same are hereby made binding upon the persons aforesaid, in like

manner as if the charter of the Third Presbyterian Church aforesaid had not expired. And that the Central Presbyterian Church aforesaid be authorized and empowered to hold and possess, in their corporate name, property to the amount of seventy-five thousand dollars.

III. That this Act shall be a public Act, and shall continue and be in force for and during the term of twenty-one years, and no longer.

A. D. 1856.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE LAWS IN RELATION TO THE ERECTION OF WOODEN BUILDINGS IN THE CITY OF CHARLESTON. No. 4287.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That during the next twenty years all made, marsh, mud or water lots in the city of Charleston, situate south of Calhoun street, and east of that portion of East Bay street lying north of Market street, or to the west of Legare, Savage, Franklin or Wilson streets, or of that portion of Smith street from Beaufain to Calhoun streets, shall be exempt from the provisions of the Ordinance of the city of Charleston to prevent the erection of wooden buildings, and to provide greater security against fires, ratified May eighth, in the year of our Lord one thousand eight hundred and thirty-eight, and also, from the provisions of the eighth Section of the Act for rebuilding the city of Charleston, ratified June the first, in the year of our Lord one thousand eight hundred and thirty-eight: *Provided*, That every building to be erected on any such lot shall be covered with slate, tin, or some other material not combustible: *And provided, also*, That after the expiration of the said twenty years the City Council of Charleston, or the General Assembly of the State, may cause to be removed, or taken down, any of such wooden buildings as they may deem expedient.

Exemption
from certain
provisions.

II. That the wooden buildings which have been erected on any made, marsh, mud or water lot within the city since the eighth day of May, in the year of our Lord one thousand eight hundred and thirty-eight, may continue to stand so long as the City Council or the General Assembly may not deem it for the public good that they, or any of them, should be removed: *Provided, however*, That every such building of more than one story in height shall, within the next ten years, be covered with slate, tin, or some other material not combustible; and that the City Council shall cause a register to be made of such buildings, and shall take such measures as shall best carry into effect this Act: *Provided, also*, That nothing

Wooden build-
ings.

A. D. 1856.

herein contained shall apply to any suits or prosecutions now pending before any of the courts.

Repairing of
roofs.

III. That after the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, no roof of any house within the city of Charleston shall be repaired with any combustible material; and whenever the roof of any house shall be repaired or renewed with any combustible material, the owner of the building, and all persons who shall make, or cause to be made, such repairs or unlawful work, shall respectively be liable to the penalties which are enacted by the Ordinance of the City Council above recited against the persons building or constructing, or causing to be built or constructed, a wooden building within the limits of the said city; and the persons who shall be employed in making such unlawful repairs shall be subject to the penalties enacted by the said Ordinance against persons employed in the building or construction of any building contrary to the provisions of the said Ordinance.

IV. That whereas, wooden buildings within the said city have been raised on brick foundations, and it is deemed safer to modify such practice, it shall be unlawful, after the first day of March next, to raise any wooden building on a brick foundation, or to add one or more stories thereto, so that the roof shall be higher than the top of the building as it stood originally, unless the roof shall be made of incombustible material. And the owner of any building so raised unlawfully, shall be liable to the same penalties which are enacted by the Ordinance above recited against the persons who shall build or construct, or cause to be built or constructed, any wooden building within the limits of the said city; and the persons employed in raising, unlawfully, such buildings, shall be subject to the same penalties as persons employed in the building or construction of any building contrary to the provisions of said Ordinance are subjected to by the provisions of the said Ordinance.

Construction
of Act.

V. That this Act is not to be construed so as to abridge, in any manner, the exemption granted to the upper wards of the city of Charleston by the Act of the General Assembly entitled "An Act to extend the limits of the city of Charleston," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4288. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN SOCIETIES AND COMPANIES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED" INCORPORATING THE CHARLESTON PLANK ROAD COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That an Act entitled "An Act to incorporate certain societies and companies, and to renew and amend certain charters heretofore granted," passed on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, and creating William Gregg, John F. Poppenheim and John Wilson, their associates and successors, a body corporate by the name of the "Charleston Plank Road Company," be so amended as to constitute Thomas R. Waring, J. E. Carew, P. J. Porcher, B. J. Whaley, their associates and successors, a body corporate in the stead of William Gregg, John F. Poppenheim and John Wilson.

A. D. 1856.

Act amended.

Charleston
Plank Road
Company.

Capital.

II. That the capital shall consist of forty thousand dollars, and this charter shall attach when ten thousand dollars of the stock shall have been paid in. The time for completing said road to Goose Creek Bridge is hereby extended for the term of six years: *Provided*, The said Plank Road Company shall extend their road to the north or right bank of Goose Creek: *Provided, also*, The said company shall not, after the expiration of twenty years from the completion of the said road to Goose Creek, be entitled to demand tolls, unless, in the meantime, they shall have increased their capital stock to sixty thousand dollars, and have extended the road to the District line according to the original charter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PREVENT THE CIRCULATION OF PRINTED OR ENGRAVED PAPER RESEMBLING BANK NOTES. No. 4289.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be unlawful for any person to issue, utter or publish any printed or engraved paper bearing a resemblance to a bank note, and any person who shall violate the provisions of this Act shall, upon indictment and conviction thereof, be fined or imprisoned at the discretion of the court.

Prohibition.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1856.

No. 4290.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED.

Religious and
charitable soci-
eties incor-
porated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are or hereafter may become members of the following religious and charitable societies and societies for the advancement of Education, to wit: Salem Presbyterian Church, Black River; Ebenezer Methodist Episcopal Church, in Anderson District; Philadelphia Baptist Church, in Spartanburg District; the Young Men's Christian Association of Charleston; the Hebrew Congregation, Berith Shalome, (Covenant of Peace;) the German Freundschafts Bund; Big Creek Church, of Anderson District; the Trustees of the Washington Street Church, in Columbia, of the Methodist Episcopal Church, South; the Ladies' Calhoun Monument Association; New Prospect Baptist Church, of Laurens District; Smyrna Church, of Laurens District; Ridge Spring Baptist Church, Edgefield District; Grace Church, at Anderson Court House; Liberty Chapel, at Little Rock, South Carolina; the Palmetto Association of Columbia; Bethany Church, York, York District; the Cheraw Library Society; Allen's Chapel, a Baptist Church in Barnwell District, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each hereinbefore respectively assigned.

Officers, &c.

II. That the said churches, societies and associations shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws, and shall have power, respectively, to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall, in no case, exceed the sum of fifty thousand dollars.

Green-
ville Baptist
Church.

III. That the charter of the Greenville Baptist Church be, and the same is hereby, renewed, with all the rights, powers and privileges heretofore granted them, with the right to hold property not exceeding in value fifty thousand dollars; and all acts done by said corporation in accordance with their charter since its expiration, be, and the same are hereby, allowed to be legal and valid.

Charters re-
newed.

IV. That the charters of the South Carolina Friendly Society; the Protestant Episcopal Church of Saint Paul, in Radcliff borough; the Trustees of the Cokesbury Manual Labor School, of the South Carolina Conference of the Methodist Episcopal Church, South; Saint Paul's Church, at Pendleton; the Vestry and Wardens of the Church of the Holy Trinity, in Saint Luke's Parish; the Vestry and Wardens of Trinity Church, Abbeville, be, and the same

are hereby, renewed, with all the rights, powers and privileges heretofore granted to them respectively, with power to the Trustees of the Cokesbury Manual Labor School of the South Carolina Conference of the Methodist Episcopal Church, South, to hold property to an amount not exceeding sixty thousand dollars.

A. D. 1856.

V. That the Boards of Trustees for the following Presbyterian Churches in Laurens District, viz: Duncan's Creek, Rocky Spring, and Clinton, be, and the same are hereby, declared bodies corporate and politic, with all such rights, powers and privileges as are given to the Trustees of the Rock Church, in Abbeville District, by an Act entitled "An Act to incorporate the Presbyterian Church, in Abbeville District, heretofore known as the Rocky Creek Church," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-four.

Churches in-
corporated.

VI. That the Society for the Relief of Elderly and Disabled Ministers, and of the Widows and Orphans of the Independent or Congregational Church, Charleston, is hereby re-chartered for the term of two years, and during the said term of re-charter is hereby restricted from applying the funds of the said society to any other purposes than those contemplated by an Act entitled "An Act for incorporating the Society for the Relief of Elderly and Disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church, in the State of South Carolina," ratified on the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, anything contained in an Act entitled "An Act to amend the charter of the Society for the Relief of Elderly and Disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church, in the State of South Carolina," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, to the contrary notwithstanding: *Provided*, That this re-charter, or anything therein contained, shall not be construed to affect or prejudice any suit or litigation now pending, or the rights of any person or persons, natural or corporate, or to ratify, confirm or sanction any act heretofore done by any such person or persons, under any previous charter, or under color of the same.

Re-charter.

VII. That all such property as hath heretofore or may hereafter accrue to the State, in the District of Chester, on account of property, which by an Act entitled "An Act to appoint escheators and regulate escheats," hath escheated to the State, provided the same do not amount to more than ten thousand dollars, shall be, and the same is hereby, vested in "The Chesterville Academy Society," for the use of the Chesterville Academy; and the said corporation are hereby vested with all the powers necessary for receiving the said property, and for disposing of the same for the benefit of the said academy: *Provided, nevertheless*, That such escheats shall not affect any citizen or friendly alien, but that, in all cases, such citizen or friendly alien shall have liberty to plead the statute of limitations in all proceedings under the existing laws regulating escheats, in like manner as the said statute may now be pleaded in actions between citizens of this State: *And provided, also*, That nothing herein contained shall be so construed as to restrict the Legislature

Chesterville
Academy.

A. D. 1856.

Fairview
Academy.

from vesting in any person or persons any escheated property within the said District, who may have an equitable claim thereto.

VIII. That the Fairview Academy, of Greenville District, be, and the same is hereby, re-chartered, with all the rights and privileges of its first charter, passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and that John H. Harrison, Alexander Thompson, and James Dunbar, be, and they are hereby, appointed Trustees of the said academy, with the power of filling vacancies in their board.

Flat Rock
Church.

IX. That A. H. Glenn, William S. Hall, Samuel M. Webb, Aaron Hall, Bryan Boroughs, Trustees of Flat Rock Church, in Anderson District, be, and they are hereby, declared a body politic and corporate, by the style and title of "Trustees of the Flat Rock Church;" to have succession of officers and members, and shall have power to make by-laws not repugnant to the laws of the land; to sue and be sued, plead and be impleaded in any court in this State; to retain, possess and enjoy the property which they, as a board, already have, or which they may hereafter acquire, including the church building and eight acres of land around; and shall have and enjoy every right incident to incorporations: *Provided*, The property so to be held by them shall not exceed in value twenty thousand dollars. And inasmuch as two religious societies of different denominations of Christians, composed of persons residing contiguously, (Baptist and Presbyterian,) have unitedly contributed to the funds necessary for the erection of a commodious house of worship, and for acquiring the lands whereon the same is situated, for their mutual edification and convenience, and that each, in turn, may enjoy the privilege of using the same for religious congregational purposes, it is declared as a fundamental provision that the said house and lands shall be used and enjoyed by each religious society aforesaid, on such terms as shall secure entire equality; and to this end, the days and times of religious meetings and service, under the direction and control of each society or congregation, respectively, shall be designated and adjusted by said Trustees; and, further, that the said Trustees for the time being, (as they have been in the incipency,) shall always be so organized and constituted that equality of representation in said Board of Trustees may be secured to each religious society, as far as the same may be, alternating the majority as the body consists of an unequal number, as the same may be affected, in filling vacancies that may happen by death, removal, resignation or otherwise; and, further, when a vacancy shall happen, that religious society entitled to the representation thus to be secured, may nominate two or more suitable persons, from whom the Trustees shall select, and in default of such nomination, the remaining Trustees shall have power to elect; each election, however, to be always subject to the approval of the religious society entitled to the representation, the communicants, or a majority of them, alone representing such society and having the right so to nominate or disapprove, as the case may be.

South Caro-
lina Historical
Society.

X. That James L. Pettigru, James Moultrie, W. H. Trescott, W. James Rivers, F. A. Porcher, Ogden Hammond, Alexander H. Mazyck, and others, who are now or may be hereafter members of the South Carolina Historical Society, shall be, and they are hereby,

incorporated as a body politic, and shall be known in deed and in law, by the name of the South Carolina Historical Society, and shall have a succession of officers and members, and a common seal, with power to alter, change and make new the same, as often as the said corporation shall judge expedient; and the said corporation shall be able and capable, in law, to purchase, have, hold, receive and possess, to themselves and their successors, respectively, in perpetuity, or for any term of years, any estate or estates, lands, tenements, or hereditaments of what kind or nature soever, not exceeding the annual income of five thousand dollars, and to sell, alien and exchange, as they shall think proper; and may, by their corporate name, sue and be sued, implead and be impleaded, answer and be answered in any court of law or equity in this State, and to make such rules and by-laws, not repugnant to the laws of this State, for the benefit of the said corporation, as shall from time to time be agreed upon by a majority of the members of the said corporation.

A. D. 1856.

XI. That this Act is hereby declared to be a public Act.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AID IN THE CONSTRUCTION OF THE CHARLESTON AND SAVANNAH RAILROAD. No. 4291.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever the Charleston and Savannah Railroad Company shall have procured *bona fide* subscriptions for the capital stock in said company to an amount sufficient to grade, bridge and prepare for the iron rails, fifty-one miles of the said road, and it shall be shown by said company to the Governor of the State that said subscriptions are good and solvent, and whenever said company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of rails, and fully prepared a section of twenty miles of said road in a good and substantial manner, with good materials, for putting on the iron rails and equipments, and the Governor shall be notified of these facts, and that said section, or any part thereof, is not subject to any lien whatsoever, other than that created in favor of the State by this Act, by the written affidavits of the President and Chief Engineer of said company, then the Governor shall cause to be endorsed, by the Comptroller General, upon the bonds of the said company, to an amount not exceeding five thousand dollars per mile of said section, the guarantee of the State of South Carolina, pledging therefor the faith and funds of the State, which bonds shall be

Stock to be
subscribed.

A. D. 1856.

payable at such place in the United States as the President of the company may designate, bearing an interest of six per centum per annum, payable semi-annually, and not having more than twenty years to mature.

Restrictions.

II. That the bonds endorsed as aforesaid shall not be used by said company for any other purposes than for procuring the iron rails, chairs, spikes and equipments for said section of said road, and for putting down said iron rails; and the Governor shall not cause the same to be endorsed, unless upon the affidavit of said President, and a resolution of the majority of the Board of Directors for the time being, that said bonds shall not be used for any other purpose than for procuring the said iron rails, chairs, spikes and equipments for said section, and for putting down said iron rails.

Lien, &c.

III. That so soon as any such bonds shall have been endorsed as aforesaid, for the first section of the road as aforesaid, they shall constitute a lien upon said section so prepared as aforesaid, including the road bed, right of way, grading, bridges and masonry upon all the stock subscribed for in said company, and upon said iron rails, chairs, spikes and equipments when purchased and delivered; and the State of South Carolina, upon the endorsing of said bonds, and by virtue of the same, shall be invested with said lien or mortgage, without a deed from the company, for the payment by said company of said bonds, with the interest thereon, as the same becomes due.

Further sub-
scription.

IV. That when the said company shall have prepared, as aforesaid, a second section, or any additional number of sections of twenty miles each of said road, connecting with the section already completed for the iron rails, chairs, spikes and equipments, as provided in the first section of this Act, and the Governor shall be notified of the facts, as before provided, he shall, in like manner, cause to be endorsed for said company like bonds of the said company, to an amount not exceeding five thousand dollars per mile for each and every section of twenty miles of said road so prepared as aforesaid, but upon the terms and conditions hereinbefore provided; and upon the endorsing of the said bonds, the State of South Carolina shall be invested with a like mortgage or lien, without a deed from said company, upon said stock, and upon said first and additional section or sections of said road so prepared, upon the rails and equipments put or to be put upon the same, for the payment of said bonds and the accruing interest thereon: *Provided*, That if the last section of said road shall be less than twenty miles, bonds of the said company shall be endorsed as aforesaid for such section, for an amount in proportion to the distance, as provided in this Act, but upon the same terms and conditions, in all respects, as required in regard to the bonds to be issued for the other sections of said road. And when the whole of said road shall be completed, the State of South Carolina shall be invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, grading, bridges, masonry, iron rails, spikes, chairs, and the whole superstructure and equipments, and all the property owned by the company, as incident to or necessary for its business, for the payment of all of said bonds endorsed

A. D. 1856.

as aforesaid, as provided in this Act, and for the interest accruing on said bonds. And after the Governor shall have caused bonds to be endorsed, as provided in the first section of this Act, for the first section of the road, it shall not be lawful for said company to give, create or convey to any person or persons or body corporate whatever, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with the lien of the State herein secured; and any such lien, incumbrance or mortgage shall be null and void as against said lien or mortgage of the State, and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company.

V. That the State expressly reserves the right to enact hereafter all such laws as may be deemed necessary to protect the interests of the State, and to secure it against any loss in consequence of the endorsing of bonds under the provisions of this Act; but in such manner as not to impair the vested rights of the stockholders of the company.

Rights reserved.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE SOUTH CAROLINA REGATTA CLUB. No. 4292.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William M. Parker, William M. Murray, Hugh E. Vincent, J. Evans Edings, W. Horace Rivers, Robert B. Chapman, E. S. Mikell, Joseph T. Dill, Thomas Bailey, Thomas A. Baynard, Louis D. DeSaussure, Benjamin Bailey, Jr., J. Edward Seabrook, Constantine Bailey, Osmia Bailey, A. D. Jones, and such other persons as now are, or may hereafter become, members of the South Carolina Regatta Club, be, and they are hereby, declared a body politic and corporate, in deed and in law, by the name and style of the "South Carolina Regatta Club."

Corporators.

Name.

II. That the said "South Carolina Regatta Club" shall have a succession of officers and members, to be appointed or elected in such manner and according to such form as may be prescribed by the rules now existing or hereafter to be made, for the government of the said society; that the said society may have a common seal, with power to break and renew the same, and with power to establish such by-laws, rules and regulations and the same to alter and amend as often as occasion may require, or to the said society shall seem fit; and with power to establish and conduct regattas or

Officers, &c.

A. D. 1856. } matches for sailing, rowing, or other boats, and to award purses therefor, and with power to hold property, real or personal, to the amount of fifty thousand dollars.

Extent of Act. III. That this Act shall remain and continue of force for the term of fourteen years, and from thence until the expiration of the next session of the Legislature thereafter, and no longer, and that this Act shall be deemed a public Act and judicially taken notice of as such, and may be given in evidence without special pleading.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4293. AN ACT TO INCORPORATE THE SAVANNAH RIVER STEAMBOAT COMPANY.

Savannah
River Steam-
boat Company.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a company shall be incorporated, with a capital stock of thirty thousand dollars, to navigate by steam the waters of the Savannah River, and any of the ports or landings on the seaboard, under the name and style of the "Savannah River Steamboat Company," to be composed of the following individuals, their associates and successors, to wit: Edmund Martin, John G. Lawton, William J. Lawton, John Richardson, John R. Johnson, Thomas H. Johnson and Benjamin Lawton; and the said company shall have power to make by-laws not repugnant to the laws of the land; to have succession of officers and members, according to the said by-laws; to have, to keep and use a common seal, and the same to alter at will; to sue and be sued, to plead and be impleaded, in any court of this State, and to have and enjoy all other rights that may, in any wise, belong or be incident to corporations: *Provided*, That nothing herein contained shall be construed so as to confer on said company exclusive right to navigate said waters, or to impair the rights of individuals or other bodies corporate to navigate said waters.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INSPECTION OF FLOUR," AND TO REPEAL AN ACT AMENDING THE SAME.

A. D. 1856.

No. 4294.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to provide for the inspection of flour," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be, and the same is hereby, amended by adding two classes of flour to those established by the said Act, to be distinguished by the designations "extra" and "ship-stuff;" and it shall be the duty of the Inspector of Flour to place the brand "extra" on all barrels or sacks of flour ascertained to be of a quality better than that entitling the same to the brand "super," and to place the brand "ship stuff" on such barrels or sacks of flour as shall be found inferior to "second middlings," but which, being sound, though of coarse quality, ought not to be branded with the "broad arrow."

Act amended.

II. That hereafter no flour merely passing through the city of Charleston, from any place in this or any other State, to another port or place out of this State, shall be required to be inspected in the said city of Charleston: *Provided*, Such flour be distinctly marked before it comes into the said city, upon the barrels or bags, with the name of the place from whence it comes and the name of the port or place of its destination, with the words "in transit" between the names of the said two places.

Exemption of flour from inspection.

III. That an Act entitled "An Act to amend an Act to provide for the inspection of flour," passed on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, be, and the same is hereby, repealed, and the provisions of the Act amended thereby are hereby revived and restored.

Act repealed.

Act revived.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE FOURTH SECTION OF THE FIRST ARTICLE OF THE CONSTITUTION OF THIS STATE.

No. 4295.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the amendment of the fourth Section of the first Article of the Constitution of this State, ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, be altered and amended to read as follows: Every free white man of the age of twenty-one years, (paupers and non-commissioned officers and private soldiers of the army of the United States ex-

Constitution amended.

A. D. 1856.

cepted,) who hath been a citizen and resident in this State two years previous to the day of election, and who hath a freehold of fifty acres of land or a town lot, of which he hath been legally seized and possessed at least six months before such election, or, not having such a freehold or town lot, hath been a resident in the election District in which he offers to give his vote six months before the said election, shall have a right to vote for a member or members to serve in either branch of the Legislature for the election District in which he holds such property, or is so resident.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4296. AN ACT TO INCORPORATE THE COLUMBIA STEAMBOAT COMPANY.

Preamble.

Whereas James T. Sims, John Agnew, Richard O'Neale, G. Monteith, G. V. Antwerp, James A. Kennedy, R. L. Bryan, Henry Muller, Edward Hope, H. C. Bronson, J. Meighan, E. J. Arthur and others have petitioned this Legislature that they may be incorporated under the name of The Columbia Steamboat Company :

Columbia
Steamboat
Company.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said James T. Sims and others above named, with all such persons as are now or may hereafter become members of the said company, be, and are hereby, incorporated and made a corporation and body politic, by the name of The Columbia Steamboat Company, to navigate by steam the waters of Congaree River and its confluent streams.

Capital.

II. That the said company shall be, and the same is hereby, empowered to have a capital stock of thirty thousand dollars, with liberty to increase the said capital stock to any amount not exceeding fifty thousand dollars, to be raised by subscription, in shares of twenty-five dollars each.

Officers.

III. That the said company shall have such number and succession of officers as shall be ordained and chosen by the rules and by-laws made or to be made for their government and direction, and shall have power and authority to make all by-laws, rules and regulations which a majority may deem proper, not repugnant to the laws of the land; to have and keep a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have and enjoy all and every right and privilege incidental and belonging to such corporate bodies according to the laws of this State: *Provided*, That nothing herein contained shall be construed so as to confer on said company the exclusive right to navigate said waters, or to impair the right of individuals, or other bodies corporate, to navigate the said waters.

IV. That this Act shall be and continue of force for the term of fourteen years, and from thence to the adjournment of the next succeeding Legislature.

A. D. 1856.
Extent of Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE CERTIFIED COPIES OF ENTRIES FROM THE BOOKS OF A SHERIFF TO BE GIVEN IN EVIDENCE. No. 4297.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a copy of any entry in the official books of any Sheriff, certified to by the oath of such Sheriff, before the Clerk of the Court of Common Pleas and General Sessions, under the seal of said court, shall be received as competent evidence by any of the courts of this State, except in causes tried in the District where the said books are kept: *Provided*, That ten days' notice in writing of intention to offer such copy be first given to the opposite party, attorney or solicitor.

Entries to be taken as evidence.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW THE CHARTER OF THE MOUNT PLEASANT FERRY COMPANY. No. 4298.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act passed on the nineteenth day of December, Anno Domini one thousand eight hundred and forty-nine, entitled "An Act to establish a company under the name of the Mount Pleasant Ferry Company," be, and the same is hereby, renewed, and shall continue of force for the term of fourteen years from the passing of this Act: *Provided, however*, That the capital stock of the said company shall be reduced to eighty thousand dollars: *And provided, also*, That nothing herein contained shall be construed to prevent the grant of any other charter for any other ferry between the city of Charleston and the town of Mount Pleasant from any

Charter renewed.

Proviso.

A. D. 1856.

other points in the said city and town, not in the immediate vicinity of the places now occupied by the said company.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4299. AN ACT TO DECLARE THE CANAL WHICH CONNECTS BOGGY GUT WITH THE LOWER THREE RUNS A NAVIGABLE STREAM.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the canal cut by the late James D. Ervin, which connects Boggy Gut with the Lower Three Runs, in Barnwell District, be, and the same is hereby, declared a navigable stream; and any person obstructing the same shall be guilty of a nuisance, and upon indictment and conviction, shall be liable to the same penalties now inflicted by law for obstructing public navigable streams.

Damages to
be assessed.

II. That a commission, consisting of B. H. Brown, B. W. Lawton and William B. Calhoun, be appointed to assess the damages which the land owners, through whose land the said canal runs, will sustain by the continuance of the said canal, and that the same be paid by those desiring to use the said canal on or before the first day of May next, and in default thereof the owners of the land shall have power to demand payment from all using said canal until the amount of the sum so assessed shall be paid in full.

Appeals.

III. That if the land owners or persons desirous of using said canal shall be dissatisfied with the amount of the assessment, the parties so dissatisfied shall have power to appeal to the next Court of Common Pleas, in the same manner as is provided by law in cases of lands taken for the use of the South Carolina Railroad Company.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4300. AN ACT TO INCREASE THE AMOUNT OF THE OFFICIAL BOND OF THE TAX COLLECTOR OF DARLINGTON.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who may hereafter be elected or appointed

to the office of Tax Collector for the District of Darlington, shall, before he enters upon the discharge of the duties of his office, give bond, with good and sufficient sureties, in the penal sum of twelve thousand dollars, which bond shall be taken and approved in the same manner, and be in the same form as now required by law.

A. D. 1856.
Bond in-
creased.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF ANDERSON. No. 4301.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all and every person or persons who may have resided within the corporate limits of the town of Anderson for one year, or who may own a freehold therein, and their successors, are hereby declared to be members of the corporation hereby intended to be created.

Corporators.

II. That the said persons and their successors shall, from and after the passing of this Act, become a body politic and corporate, and shall be known and called by the name of the town of Anderson, and its corporate limits shall extend one mile in the direction of the cardinal points from the Court House thereof as a centre, and form a square.

Name.

III. That the said town shall be governed by an Intendant and four Wardens, who shall be persons that actually reside within the limits of the corporation, and have so resided for at least twelve months immediately preceding their election, and who shall own a freehold therein. The said Intendant and Wardens shall be elected on the second Monday in September in each year, ten days' notice being previously given, and shall continue in office for one year, and until the election and qualification of their successors; and all free white male inhabitants of said town, who shall have attained the age of twenty-one years, and resided therein six months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Intendant and
Wardens.

IV. That said election shall be held in some convenient public place in said town, from ten o'clock in the morning until three o'clock in the evening, and when the polls shall be closed, the managers shall forthwith count the votes and declare the election, giving notice in writing to the persons elected. The Intendant and Wardens for the time being shall always appoint three Managers to conduct the election, who, before they open the polls for said election, shall take an oath fairly and impartially to conduct the same. And the Intendant and Wardens, before entering upon the du-

Elections.

A. D. 1856.

Oath of office.

ties of their offices, shall respectively take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Anderson, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been appointed: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Town Council the sum of twenty dollars, for the use of said town: *Provided*, That no person who has attained the age of sixty years shall be compelled to serve in either of said offices, nor shall any other person be compelled to serve more than one year in any term of three years.

Vacancies.

V. That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Intendant and Warden or Wardens, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of the Wardens to act as Intendant during the time.

Powers of Intendant and Wardens.

VI. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the powers of Magistrates in this State within the limits of the said town, except for the trial of small and mean causes. And the Intendant shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant or any three Wardens, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Anderson; and they and their successors hereafter to be elected may have a common seal, which shall be affixed to all their ordinances; may sue and be sued, plead and be impleaded in any court of law or equity in this State, and purchase, hold, possess and enjoy to them and their successors, in perpetuity, or for any term of years, any estate, real, personal or mixed, and sell, alien and convey the same, provided the same shall not exceed, at any one time, the sum of ten thousand dollars. And the said Intendant and Wardens shall have full power to make and establish all such rules, by-laws and Ordinances respecting the roads, streets, markets and police of said town, as shall appear to them necessary and requisite for the security, welfare and convenience of the said town, or for preserving health, peace, order and good government within the same. And the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of the said corporation: *Provided*, That no fine shall exceed fifty dollars for any one offense; and when any free white person shall be charged with an offense for which a fine of more than twenty dollars is ordained, the said charge shall be heard and determined in an action of debt by summary process, to be brought in the name of the said Town Council, for the recovery of said fine, in the Court of Common Pleas for Anderson District; and if the fine ordained be not more than twenty dollars, the said Town Council, or a quorum thereof, shall have power to hear and

determine the said charge and render judgment therein. In all cases of trials to be had before the said Town Council, as herein-before provided, the party charged shall be cited to trial by a service upon him of a summons, under the hand of the Intendant, any one of the Wardens, or the Clerk of Council, wherein shall be expressed, with certainty, the offense charged, and the time and place of trial, which service shall be made at least five days before the day of trial.

A. D. 1856.

VII. That all fines imposed by the said Town Council for any violation of Ordinances, or any default in the performance of patrol or street duty, shall be collected by a *feri facias*, or if that be returned *nulla bona*, by a *capias ad satisfaciendum*, issued under the seal of the corporation, and directed to the Marshal of the town or the Sheriff of Anderson District, which, if not paid, may be discharged by schedule and assignment, according to the provisions of the Prison Bounds Act, after giving ten days' notice to the said Intendant and Wardens. And the said Town Council shall have power to procure and compel the attendance of witnesses, by process similar to that which, by law, Magistrates may use in the trial of small and mean causes.

Fines—how collected.

VIII. That the said Town Council shall have power to prevent the violation of its Ordinances by slaves and free persons of color, by ordaining, as to such slaves and free persons of color, any suitable punishment, not extending to life or member; and all slaves and free persons of color charged with offences against the Ordinances of the said town shall be tried by the said Town Council, or a quorum thereof, and the judgments and sentences rendered and passed in such trials shall be executed by the Marshal of said town, and the modes of conducting such trials shall be prescribed by the said Town Council by Ordinances for that purpose.

Violations of ordinances.

IX. That the Intendant and Wardens of said town shall have full and only power to grant or refuse licenses, to keep taverns or retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same conditions as they now are or may hereafter be under the laws of this State, except that the Town Council shall have the power to regulate the price of licenses to keep taverns or retail spirituous liquors: *Provided*, That in no instance the price of a license so to keep tavern or retail spirituous liquors shall be fixed at a less sum than is established by the laws of this State. And all the powers vested in the Commissioners of Roads are hereby granted to the said Intendant and Wardens, within the said limits. And all moneys paid for licenses, and for fines and forfeitures for retailing spirituous liquors, keeping taverns and billiard tables within the said limits, without licenses, shall be appropriated to the public uses of said corporation: *Provided*, That the Intendant and Wardens duly elected and qualified, shall not have power to grant any license to keep taverns or retail spirituous liquors to extend beyond the term for which they shall have been elected.

Licenses.

X. That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and ways within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted to the Commissioners of Roads. And

Roads, streets, &c.

A. D. 1856.

they shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as they shall by Ordinance establish, the moneys so received to be applied to the public use of the said corporation; and all persons refusing or failing to pay such commutation, shall be liable to such fine, not exceeding twenty dollars, as the said Town Council may impose, to be collected by writ of *ferri facias* or *capias ad satisfaciendum*, as hereinbefore provided for; and if, after exhausting the power of such writ, the said fine shall not be recovered, the party in default may be imprisoned by order of the Town Council, in the common jail of the District, for any time not exceeding six days. And no person residing within the said limits shall be liable to work on any road or bridge without the same, or be taxed or assessed therefor.

Billiard tables, &c.

XI. That the said Town Council shall have power to impose an annual tax upon the keepers of billiard tables and ten-pin alleys, or any other pin alleys, within the discretion of said Council, and to grant or refuse licenses for the same, upon such terms and conditions, and subject to such regulations as they may, by Ordinance, establish. They shall also have power to impose a tax, within their discretion, on all sales made by itinerant traders and auctioneers, on all public drays, wagons, carriages, omnibuses and other vehicles kept for hire, and on the owners or possessors of all dogs, hogs, sheep, goats and cattle kept within the corporate limits of said town. The said Town Council shall have power to impose an annual tax on the amount of sales of goods, wares and merchandise, and also on the amount of income arising from all factorage and mechanical employments, faculties and professions, including the profession of dentistry; also upon the amount of income from all moneys loaned at interest, and from dividends received from bank and all other stocks: *Provided*, That no tax shall be imposed in any one year to exceed the rate of twenty cents on each hundred dollars of the value of such sales and income. And the said Town Council shall also have power to impose an annual tax on all slaves, all free negroes, all carriages and wagons of whatever kind, kept for private use, on all gold, silver and other watches kept for private use within the limits of said town, and upon all persons who shall open any room or car for the purpose of taking daguerreotype or other likenesses within the corporate limits of said town. And the said Town Council shall have power to impose an annual tax not exceeding twenty cents on every hundred dollars of the value of all real estate lying within the corporate limits of said town, the real estate of churches and school associations excepted, and for that purpose they shall appoint three freeholders resident therein, to assess the value of said real estate, upon oath, and return the assessment within one month to said Council for taxation, and to fill any vacancy occasioned by the death, resignation, refusal to serve, or removal from office of the said Assessors; and any person who shall refuse to act as Assessor, upon being appointed by the Council, may be fined any sum not exceeding twenty dollars. And the said Council shall have power to regulate the price of licenses upon all public shows and exhibitions in said town, to erect a powder magazine, and to compel any person holding more

than twenty-five pounds of powder to store the same therein, and to make regulations for rates of storage thereof, and for keeping and delivering the same. And the said Town Council shall have power to enforce the payment of all taxes and assessments levied under the authority of this Act against the property and persons of defaulters, to the same extent and in the same manner as is provided by law for the collection of the general State tax, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal or other person specially appointed by the said Town Council to collect the same; and all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof in preference to other debts due by the person owning such property at the time of the assessment, except debts due the State, which shall be first paid.

XII. That returns shall be made, on oath, to the Clerk of the Town Council during the month of January in each year, of the amounts of all sales of merchandise, professional, mechanical or other income, and of the quantity and kind of all other property than real estate subject to taxation under the provisions of this Act, by the persons who may be liable to pay the taxes on the same; and the said taxes shall be paid on or before the first day of March then next ensuing; upon failure whereof, any party in default shall be subject to the penalties now provided by law for failure to pay the general State tax.

XIII. That the said Town Council shall have power and authority to require all persons owning a lot or lots in said town to make and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front on or adjoin any public street of said town, if, in the judgment of the Council, such sidewalks shall be necessary, the width thereof and the manner of their construction to be designated and regulated by the said Council; and for default or refusal, after reasonable notice, to make and keep in repair such sidewalks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing. And the said Town Council are hereby empowered to sue for and recover the same by action of debt in the Court of Common Pleas for Anderson District: *Provided*, That such contract for making or repairing be let to the lowest bidder.

XIV. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the said town as they may deem necessary, by sale of the freehold therein, either at private or public sale, as they may adjudge best for the interest of said town; and they shall also have power to lay out, adopt, open and keep in repair all such new streets, roads and ways as they may, from time to time, deem important and necessary for the improvement and convenience of said town: *Provided*, That no new street or way shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street, road or way may pass.

XV. That the said Town Council shall have power and are hereby authorized to elect one or more Marshals (in addition to the Sheriff of the District of Anderson, who shall also be a Marshal of

A. D. 1856.

Returns of sales.

Sidewalks.

Streets, &c.

Marshals.

A. D. 1856.



the town,) to fix their salaries and prescribe their duties, who shall be duly sworn in and invested with all the powers, and subjected to all the duties and liabilities that Constables now have or are subject to by law, in addition to the duties and liabilities specially conferred and imposed on them by the Town Council: *Provided*, That their jurisdiction shall be confined to the corporate limits of said town.

Guard house.

XVI. That the said Town Council shall have power to establish a guard house, and to prescribe by Ordinance suitable rules and regulations for keeping and governing the same; and, until such guard house shall be established, they shall be authorized to use a room in the common jail of Anderson District for the confinement of all persons who may be subject to be committed for the violation of any Ordinance of the town, passed in conformity to the provisions of this Act. And the said Town Council may, by Ordinance, or the said Intendant and Wardens, in person, any one or more of them, authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and to commit to the said guard house or jail of Anderson District; as the case may be, for a term not exceeding twenty-four hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of said town or any of them. And it shall be the duty of the Town Marshal to arrest and commit all such offenders, when required so to do, who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and upon the failure of said Marshals to perform such duty as required, they shall severally be subject to such fines and penalties as the Town Council may establish. And all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided by this Act for the collection of fines imposed for the violation of Ordinances: *Provided*, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence for which he may have been committed.

Patrol.

XVII. That the power and duty of organizing, superintending and regulating the patrol within the limits of said town be, and the same are hereby, transferred to, vested in and devolved upon the said Town Council, who are hereby empowered to make all such Ordinances, rules and regulations relative to the time and manner of performing patrol duty within the said limits, and to impose such fines and penalties for violations thereof as they may deem necessary to preserve the peace, good order and safety of the inhabitants of said town: *Provided*, That no Ordinance shall diminish the quantity of patrol duty which now is or may hereafter be required by law: *And provided, further*, That the said Town Council shall have power to compound with persons liable to patrol duty by receiving from them annually a sum of money, in their discretion, in lieu of the performance of such duty; the said money, together with all other moneys collected by authority of the provisions of this Act and the Ordinances passed in conformity thereto, from

whatever source said moneys may arise, to be paid into the treasury of said town for the use of the corporation.

A. D. 1856.

XVIII. That the said Town Council shall have power to collect the taxes from all persons representing publicly within their corporate limits, for gain or reward, any plays or shows of what nature or kind soever, to be used for the purposes of said corporation.

Exhibitions.

XIX. That all fines which shall hereafter be collected by conviction in the Court of Sessions for retailing without license within the corporate limits of said town, shall be paid one half to the informer and the other half to the said Town Council for the uses of the corporation.

Fines.

XX. That the said Town Council shall have full power and authority to abate all nuisances within the corporate limits, and also to appoint a Board of Health for said town, and to pass all such Ordinances as may be necessary to define the powers and duties of said Board, and to impose fines and penalties upon the members of said Board for neglect of duty or refusal to serve: *Provided*, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars.

Nuisances.

XXI. That the said Town Council shall have power to borrow money for the public use of the corporation by issuing, from time to time, as occasion may require, the bonds of said corporation, bearing interest at a rate not to exceed seven per centum, to be paid semi-annually, for an amount not to exceed the sum of five thousand dollars; and for the payment of the interest and the ultimate redemption of the principal, according to the terms of the loan, the said corporation shall be at all times liable: *Provided*, That the private property of the inhabitants of said town shall be bound for the redemption of said loan in no other way than by the imposition of an annual tax according to the provisions of this Act.

Loans to be effected.

XXII. That the Intendant and Wardens elect shall, during their term of office, be exempt from patrol and street duty. And each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors a full account of their receipts and expenditures during their term, and shall pay over all moneys in their hands belonging to the corporation, and deliver up all books, records and other papers incident to their office to their successors; and on failure so to do they shall be liable to the punishment prescribed in the twenty-fourth Section of this Act.

Exemption.

XXIII. That all Ordinances heretofore passed by the Town Council of Anderson, in conformity with the authority granted by existing laws, shall be, and they are hereby, declared legal and valid.

Previous Acts valid.

XXIV. That for any willful violation or neglect of duty, malpractice, abuse, or oppression, the said Intendant and Wardens, jointly and severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment by fine not exceeding one hundred dollars, besides being liable for damages to any person injured.

Neglect of duty, &c.

XXV. That all Acts and parts of Acts heretofore passed in relation to the incorporation of the town of Anderson be, and the same are hereby, repealed; and this Act shall be deemed and taken

Act repealed.

A. D. 1856.

to be a public Act, and continue in force for the term of twenty years, and until the end of the session of the Legislature then next ensuing.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4302. AN ACT TO AUTHORIZE THE FORMATION OF NEW VOLUNTEER COMPANIES WITHIN THE LIMITS OF THE THIRTY-SIXTH AND FORTY-FIRST REGIMENTS OF INFANTRY, AND TO INCORPORATE THE SAME.

New volunteer companies.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be authorized and empowered to inspect and receive into the thirty-sixth regiment of infantry, a new volunteer company, to be called the "Morgan Rifles," and also into the forty-first regiment of infantry, a new volunteer company, to be called the "State Guards:" *Provided*, That they conform to the requisitions of the law in relation to the reception of new volunteer companies: *And provided, also*, That no beat company shall be thereby reduced below the number required by law.

Incorporation.

II. That the said volunteer companies, as soon as they shall have been received as above, be, and the same are hereby declared to be, bodies corporate and politic, for the term of fourteen years from the passing of this Act, and to have such powers as are incident to and subject to such liabilities as are now imposed by law upon like corporations.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4303. AN ACT TO AMEND AN ACT ENTITLED "AN ACT PRESCRIBING THE MODE OF ELECTING TAX COLLECTOR," PASSED ON THE EIGHTEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX.

Act amended.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth Section of an Act entitled "An Act pre-

scribing the mode of electing "Tax Collector," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six, be so altered and amended as to read as follows: The managers shall meet at the Court House of their District, or at the place usually appointed to declare the election of members of the Legislature, on the first Wednesday after the votes are received, or on such day as is now or shall hereafter be designated for the counting of the votes for members of the Legislature in each election District, and on the same day count out the same, declare the election, if no notice of intention to contest it be given, and shall certify to the Governor the name of the person who may be duly elected.

A. D. 1856.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REGULATE THE AGENCIES OF INSURANCE COMPANIES NOT INCORPORATED IN THE STATE OF SOUTH CAROLINA. No. 4304.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful after the first day of July, one thousand eight hundred and fifty-seven, for any agent of any insurance company in the United States, not incorporated by the laws of this State, to take risks or transact any business of insurance in this State, without first obtaining a license from the Comptroller General.

Licenses to
be obtained.

II. That before the Comptroller General shall issue such license to any agent of any company not incorporated in South Carolina, there shall be filed in his office a certified copy of the charter of the company from which the said agent or attorney has received his appointment, and also a certified copy of the vote or resolution of the Trustees or Directors of said company appointing him such agent, accompanied by a warrant of appointment, under the official seal of the company, and signed by the President and the Secretary. Such warrant of appointment shall continue valid and irrevocable until another agent or attorney shall be substituted, so that at all times, while any liability remains outstanding, there shall be within the State an agent or attorney as aforesaid, and shall contain a consent expressed, authorizing process of law to be served on said agent or attorney for all liabilities of every nature incurred in this State by said company, and that such service made on such agent or attorney, in the manner required by the laws of this State, shall be deemed legal and binding on the company or companies, in all cases whatsoever, and that every judgment so recovered shall be conclusive evidence of the indebtedness of the company. And in

Conditions.

A. D. 1856.

addition to said warrant of appointment, there shall be filed and published a statement, made under oath, of its President or Secretary, showing its assets and liabilities, and distinctly showing the amount of capital stock, and how the same has been paid, and of what the assets of the company consist, the amount of losses due and unpaid, and all other claims against the company, or other indebtedness, whether due or not due at the time of the filing of the statement above.

Publication.

III. That every agent or attorney obtaining such license shall also cause such statements and license to be published in some newspaper in the District in which he resides. The company shall also furnish to the Comptroller General, through their agent, a semi-annual statement of the affairs of the company, as provided in the second Section of this Act, and it shall be the duty of the agent or agents to publish the same.

Withdrawal
of licenses.

IV. That if the Comptroller shall become satisfied that any company is insolvent and unsafe, it shall be his duty to refuse license to its agent or agents, and to withdraw any licenses that have been already issued.

Penalties.

V. That any person who shall deliver any policy of insurance, or collect any premium of insurance, or transact any business of insurance in this State, for any company in the United States not incorporated by the laws of this State without having obtained license, as by this Act required, or after his license has been withdrawn, or who shall, in any way, violate the provisions of this Act, shall be fined, for every such offence, not less than one hundred dollars, nor more than five hundred dollars, at the discretion of the jury: *Provided, further*, That nothing contained in this Section shall release any such company or companies upon any policy issued or delivered by it or them.

Fee for license.

VI. That for every license issued by the Comptroller General under this Act, he shall be paid by the company taking out such license the sum of two dollars and fifty cents.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4305. AN ACT TO ALTER THE SITTINGS OF THE COURTS OF EQUITY FOR THE SECOND CIRCUIT.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Courts of Equity for the Second Circuit shall be held at the times and places following, that is to say: At Barnwell Court House, for the District of Barnwell, on the first Monday in February; at Gillisonville, for the District of Beaufort, on the second

Monday in February; at Walterboro, for the District of Colleton, on the third Monday in February; and at Orangeburg Court House, for the District of Orangeburg, on the fourth Monday in February, in each year, instead of the times heretofore fixed by law.

A. D. 1856.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROMOTE THE DRAINING AND IMPROVEMENT OF INLAND SWAMPS. No. 4306.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever two-thirds or more of the proprietors of the lands lying in any inland swamp, owning not less than two-thirds of such swamp, shall associate themselves together by written articles of agreement for the purpose of draining and improving the same, (to be filed and recorded in the Clerk's office of the District in which the said land or the larger portion thereof may lie,) they shall thereupon become and be a body corporate for the purpose aforesaid, by the name of the proprietors of said swamp, designated by the name by which it is commonly called and known, and shall have power and authority to make and ordain by-laws for the regulation and government of such corporation, not inconsistent with any law or statute of force within this State, and to make such assessments of money and labor on the members of the corporation as may be requisite for carrying into effect the objects thereof.

Associations
for drainage of
swamps.

II. That it shall be lawful for every such corporation, by its agents, Surveyors, Engineers and assistants, to enter upon any lands and premises lying in or near the swamp, for the draining and improvement whereof such corporation shall have been formed, and owned by persons not being members of such corporation, for the purpose of inspecting, examining and surveying the same; and if it shall appear, by the report of a competent Engineer, to be necessary for the draining and improvement of such swamp that any canal, water-way, ditch, drain, dam, embankment, sluice, flood-gate or other work should be made or constructed in, through or upon any lands of any person not a member of the corporation, and no agreement can be made for obtaining the consent of the owner of said land thereto, then such corporation may apply, by petition, to the Court of General Sessions and Common Pleas of the District in which such land is situated, (and if it lies in several Districts, to the court of either of said Districts,) setting forth the facts of the case and praying that Commissioners may be appointed by the court, to ascertain and assess the value of the land which would be occupied by such works, and also the amount of loss or damage

Privileges.

Commission-
ers.

A. D. 1856.

which the making or construction thereof would cause to the owner of the land; a copy of which petition, together with a copy of the Engineer's report upon which it is founded, and notice in writing of the time and place at which the same will be brought to a hearing, shall be served upon the owner of the land at least ten days before such hearing. And upon the hearing of such petition, unless it be denied by affidavit that it is necessary for the draining and improvement of such swamps to make or construct any such works as aforesaid through or upon the land owned by any person not a member of the corporation, and affirmed in the same manner that such swamp can be as well and effectually drained and improved without encroaching upon any such land, the court shall appoint three competent and disinterested persons to be Commissioners for the purposes aforesaid. And the persons so appointed, having first been duly sworn to execute and perform the duties assigned them as such Commissioners truly and impartially, and to the best of their judgment and ability, shall proceed to inspect and examine the premises, giving at least three days' previous notice of such inspection and examination to the parties interested, and, after such inspection and examination, to make the valuation aforesaid and return the same in writing under their hands to the court. But in case of such denial and affirmation as aforesaid the issue so made shall be submitted in a summary manner to a jury, and upon the finding of the jury, if the same shall be for the petitioners, Commissioners shall be appointed and proceed as before directed; but if the jury find for the respondents or defendants, no appointment of Commissioners shall be made: *Provided*, That either party may move for a new trial; but not more than one new trial shall be allowed in any case on the same issue. Either party may appeal from the valuation and assessment made by the Commissioners to the court at its next session after such valuation and assessment, giving reasonable notice of such appeal to the other party, whereupon the court shall cause a new valuation and assessment to be made by a jury, and their verdict shall be final and conclusive, unless a new trial be granted: *Provided*, That not more than one new trial shall be allowed in any such case of valuation and assessment. Upon the final determination of such valuation and assessment, either by the return of the Commissioners not appealed from, or in case of appeal by the finding of a jury not appealed from, or upon a second finding after a new trial is granted, and upon payment of the amount of such valuation and assessment to the party entitled to receive the same, or upon tender and refusal thereof and payment of the same into court, it shall be lawful for the corporation, at all times thereafter, by its officers and agents, to enter upon the land to which such valuation and assessment had reference, for the purpose of making and constructing, maintaining and keeping in repair any such work as aforesaid. In all cases of appeal full costs shall be awarded and the collection thereof enforced as in cases of trespass on the case.

Proviso.

Penalties in certain cases.

III. That if any person owning land in or near any inland swamp, for the draining and improvement whereof any such corporation shall have been formed, not being a member of the same, or any tenant or agent of such person, shall, for the purpose of drain-

A. D. 1856.

ing, flowing, or in any manner using, benefitting or drawing profit from such land, make use of any canal, water-way, ditch, drain, dam, embankment, sluice, flood-gate, or other work made or constructed by such corporation, without the consent of the corporation, such owner or tenant shall be liable to pay to the corporation such reasonable rent therefor as they may demand, not exceeding one-third of the clear annual value of the land, including any addition thereto derived from the use of any such work as aforesaid. That if the owner of the land in or near any inland swamp, for the draining and improvement whereof any such corporation shall have been formed, desires to become a member of such corporation, instead of paying rent as above provided, he shall be at liberty to do so by paying his proportion of the expenses incurred by the company, with interest on the same.

IV. That all the lands drained and improved by any corporation formed as aforesaid, and owned by members of such corporation, shall be liable for the debts of the corporation, and if the land of any member of any such corporation shall be taken in execution and sold to satisfy any judgment or decree against the corporation, the person whose land shall have been so taken in execution and sold shall be entitled to receive, as compensation therefor, by contribution from the other members of the corporation, the value thereof, and shall have the benefit of the lien of such judgment or decree for enforcing the payment thereof, for which purpose such judgment or decree shall remain in full force and virtue.

Liability.

V. That any person having a legal or equitable estate, in fee or for life, in land lying in any inland swamp, or in land through or upon which it may be necessary to make or construct any work for draining or improving any such swamp, (except mere Trustees without beneficial interest,) shall be deemed a proprietor or owner of such land, for the purposes of this Act; and in every case in which any such person shall be an infant, married woman, idiot or lunatic, the guardian of such infant, the husband of such married woman, and the committee of such idiot or lunatic, shall be deemed a proprietor or owner of such land, for the purposes of this Act: *Provided*, That such guardian, husband or committee, shall apply in a summary way, by petition to the Court of Chancery, in behalf of their respective infants, wives, idiots or lunatics, for leave to become members of any corporation formed under this Act for draining and improving the swamp in which the lands of such infants, wives, idiots and lunatics are situated, in respect of such lands, and the said court shall have power to inquire into the propriety of granting such leave, and to make such order therein as may seem meet; and if the court shall grant leave, it shall be lawful for the person who shall have presented the petition to become a party to the articles of association for forming such corporation in respect of such land, and the same shall be as binding and effectual, to all intents and purposes, as if such person had been the actual proprietor of such land.

Qualifications
for proprietorship.

VI. That every swamp, except such as are commonly called river swamps, or river bottoms, or river margins, shall be deemed an inland swamp, for the purposes of this Act.

VII. That every corporation formed under the provisions of this

A. D. 1856.

Act shall have a Chairman and a Secretary, and shall keep regular minutes of its proceedings.

VIII. That whenever two-thirds or more of the proprietors of the swamp or bottom lands on any river, creek or other water course, owning not less than two-thirds of all such swamp or bottom, shall enter into written articles of agreement that such swamp or bottom shall be deemed and taken to be an inland swamp, and be subject to the provisions of this Act, such swamp or bottom shall thereupon be deemed and taken to be an inland swamp, and be subject to all the provisions of this Act, in the same manner as other inland swamps, and the owners thereof shall be invested with all the rights, powers and privileges hereinbefore given to the owners of inland swamps, and shall be subject to the same conditions and obligations.

IX. That where said inland swamp is owned to the amount of two-thirds by one individual, he or she shall possess all the rights and powers conferred by this Act on the corporation aforesaid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4307. AN ACT TO INCORPORATE THE COLUMBIA ATHENÆUM.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who now are, or hereafter may become, members of an association formed in the city of Columbia, and known as the Columbia Athenæum, be, and they are hereby, declared to be a body politic and corporate, by the name and style of the Columbia Athenæum.

II. That the said corporation shall be empowered to retain, possess and enjoy all such property as it may now be possessed of or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by it.

III. That the said corporation shall have succession of officers and members, to be chosen and admitted according to its by-laws, which the said corporation shall have power to make and alter from time to time, provided the same be not repugnant to the laws of the land. Said corporation shall also have the right to keep and use a common seal, and the same to alter at will, to sue and be sued, to plead and be impleaded in any of the courts of this State, and to have and enjoy every right incident to corporations.

Exemption
from sale.

IV. That all books, maps, charts, statues, pictures, and so forth, which have been or shall hereafter be presented to said corporation, shall not be liable to seizure and sale under any legal process whatever, for the debts, contracts or liabilities of said corporation; and on the dissolution of said corporation, such books, maps, charts,

statues, pictures, and so forth, shall revert to the donors respectively, or their legal representatives.

A. D. 1856.

V. That this Act shall be taken and deemed to be a public Act, and shall continue of force for twenty years.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS FOR THE PURPOSE OF CONTINUING THE CONSTRUCTION OF THE NEW STATE HOUSE. No. 4308.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor be, and he is hereby, authorized and required to issue, in the name of the State, bonds or stocks, to be countersigned by the Comptroller General, for an amount not exceeding two hundred and fifty thousand dollars, bearing interest at the rate of six per centum per annum, payable semi-annually at the Treasury of the State, and redeemable thereat at the expiration of twenty years from the date thereof. That the Bank of the State of South Carolina be the agent of the State for the sale of said bonds at their market value, and that the said bank shall be required to furnish means to prosecute the work in anticipation of the sale of the bonds.

Bonds to be issued.

II. That the faith and credit of the State be, and hereby is, pledged for the punctual payment of the interest on said bonds or stock, and the redemption of the principal of the same when it shall become due.

Interest.

III. That all money arising from sales of said bonds and stock shall be placed in the Treasury to the credit of the fund for erecting the new State House, subject to the draft of the Commissioner charged with the erection of the new State House, countersigned by the Comptroller General.

Moneys, how disposed of.

IV. That the agent for the sale of the State six per cent. bonds, issued under the Act of Assembly of the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, be, and he is hereby, authorized and required to deliver to the Bank of the State of South Carolina the bonds remaining unsold in his possession, to be sold and accounted for by the said bank, upon the same terms and in the same manner as is herein provided for the bonds to be issued by this Act; and that so much of the eleventh Section of the Act of Assembly, ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, entitled "An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-

Duty of agent for sale of bonds.

A. D. 1856. five," as provides that the said bonds shall not be sold under their par value, be, and the same is hereby, repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4309. AN ACT TO INCORPORATE NEWBERRY COLLEGE OF THE EVANGELICAL LUTHERAN SYNOD OF SOUTH CAROLINA AND ADJACENT STATES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Bachman, E. B. Hort, N. Aldrich, T. S. Boinest, J. P. Margart, J. H. Bailey, Gerhard Muller, W. K. Bachman, Jacob Schumpert, M. Barre, Patrick Todd, J. P. Aull, Henry Summer, Nathan Hunter, A. C. Garlington, O. B. Mayer, Simeon Fair, and John P. Kinard, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of the Trustees of Newberry College of the Evangelical Lutheran Synod of South Carolina and adjacent States, a seminary of learning situated in the town of Newberry, in the State of South Carolina, and as such and by the said name of the Trustees of Newberry College of the Evangelical Lutheran Synod of South Carolina and adjacent States, shall be capable and liable, in law and equity, to sue and be sued, to plead and be impleaded, to use a common seal, and to make such by-laws and rules for the regulation and government of said college as they may deem necessary: *Provided*, Said by-laws and rules be not repugnant to the Constitution and laws of this State, or of the United States.

II. That the said Board of Trustees are and shall be authorized to appoint such officers as they may think necessary and proper for the organization and government of their own body, and also all the officers, professors, tutors, and instructors of and in said college, and to remove the same at pleasure, and to exercise such general control and supervision over the officers, instructors, affairs and government of said college, as they may deem advisable.

III. That the said Board of Trustees shall have power and authority to confer and award all such distinctions, honors, licenses, and degrees as are usually conferred and awarded in colleges and universities of the United States.

IV. That the said Trustees, and their successors, shall have and hold all the estate, property and funds now belonging to said college, and all property, funds, money, donations, legacies and devises, which hereafter may be granted, conveyed, bequeathed and devised or given to said college, in trust, nevertheless, for the use and bene-

fit of said college. And the said Trustees shall make an annual report to the Evangelical Lutheran Synod of South Carolina and adjacent States of all moneys received and expended by them for the term of the preceding fiscal year.

A. D. 1856.

V. That the said Trustees shall be appointed or chosen for the term of one year by the said Synod, and until a new election shall be made at the next regular meeting of said Synod, and the said Synod shall have power and authority to fill all vacancies in said Board of Trustees which shall occur by death, resignation or otherwise: *Provided*, That the said Board of Trustees may fill any vacancy occurring by death or otherwise, which appointment so made shall continue of force until the next regular meeting of Synod.

Term of office.

VI. This Act shall be deemed and taken to be a public Act, and continue in force for the term of twenty-one years, and from thence until the adjournment of the next session of the General Assembly thereafter.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MORE EFFECTUALLY TO PREVENT FREE NEGROES AND OTHER PERSONS OF COLOR FROM ENTERING INTO THIS STATE, AND FOR OTHER PURPOSES," PASSED THE NINETEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

No. 4310.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That free negroes and persons of color brought into this State in any vessel not bound to any port in the State, but which shall be driven into any port of this State by stress of weather, or compelled to enter therein by mutiny or other cause which makes said entry involuntary on the part of those controlling the said vessel, shall be, and the same are hereby, declared, from and after the passing of this Act, exempt from the operation of an Act entitled "An Act more effectually to prevent free negroes and other persons of color from entering into this State, and for other purposes," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and all other Acts subjecting such persons to imprisonment: *Provided*, That such free

Exemption from certain provisions.

Proviso.

A. D. 1856.

negroes and persons of color so brought into any port of this State shall remain on board the vessel in which they shall be introduced, or in such other place as may be selected for their accommodation by the Mayor or Chief Magistrate of the nearest municipal corporation.

Duties of masters of vessels.

II. That from and after the passing of this Act, whenever any free negro or person of color shall come into this State in any vessel not driven into a port of this State by stress of weather, or compelled to enter by mutiny or other cause, which makes such entry involuntary on the part of those controlling said vessels, as a cook, steward, mariner, or in any other employment on board such vessel, it shall be the duty of the master, owner or person having control of such vessel, immediately on his arrival in port, to report to the Mayor or other chief municipal officer of such port, and if there be no such municipal officer, then to the nearest Magistrate, the name, description and capacity of any such free negro or free person of color, and shall enter into bond to the Mayor or other chief municipal officer or magistrate aforesaid in the penal sum of five hundred dollars, with two sufficient sureties, being freeholders, in the sum of two hundred and fifty dollars each, conditioned that each and every such free negro or colored person shall remain on board of such vessel, and shall, in all respects, obey the laws of the State, and ordinances and regulations of the city or town; and such bonds shall be deposited with such Mayor or chief municipal officer or Magistrate, to be sued upon in case such condition shall not be observed and performed; and in case of suit and recovery upon any such bond, half of the amount recovered shall go to the informer and half to the city or town treasury.

When exempt from provisions of this Act.

III. That a compliance with the requisitions of this Act, on the part of the master, owner, or other person in control of any vessel entering into any port of this State, within twelve hours after entering such port, shall exempt the free negroes and persons of color as aforesaid, in said vessel, from the provisions of the second Section of the Act aforesaid, entitled "An Act more effectually to prevent free negroes and other persons of color from entering into this State, and for other purposes:" *Provided*, such free negroes or other persons of color shall so remain on board said vessel. But on failure of the master, owner, or person in control, to comply with said requisitions, or having complied therewith, on failure of said free negroes and persons of color to remain, at all times, on board such vessel, the said bond shall be forfeited, and the said free negroes and persons of color shall be, as heretofore, subject in all respects to the provisions of the Act aforesaid.

Duty of Sheriff.

IV. That it shall be the duty of the Sheriff of the District in which such port is situated, on the arrival of any such vessel as aforesaid, to go on board the same, and ascertain whether the above provisions have been complied with; and in case he shall find that such requisitions have not been complied with, he shall be entitled to receive from the captain of such vessel a fee of twenty-five dollars for each free negro or person of color found therein: *Provided*, That in case there be no Sheriff residing at such port, it shall be the duty of the chief municipal officer of such port, and if there be no such municipal officer, then it shall be the duty of the near-

est Magistrate to perform the duties required of the Sheriff by this Section.

A. D. 1856.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE MUTUAL BENEFIT LOAN ASSOCIATION. No. 4311.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That G. A. Bowman, William G. Benson, Edwin H. Locke and James Copes, together with such other persons as now are or hereafter may be associated with them, be, and they are hereby, declared and constituted a body politic and corporate, for the purpose of making loans of money, secured by mortgages of real estate and personal property to their members and stockholders, by the name and style of "The Mutual Benefit Loan Association;" the capital stock of said association to consist of twelve hundred shares, with the privilege of increasing the same to two thousand shares, to be paid by successive monthly instalments of one dollar on each share, so long as the said association shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments as the regulations and by-laws of the said association may prescribe.

Corporators.

Name.

II. That the said association shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made or to be made by them for their government; and shall have power and authority to make such rules and by-laws as are not repugnant to the Constitution and laws of the land; to have and keep a common seal, and the same to alter at will; to sue and be sued, implead and be impleaded, in any court of law or equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

Officers, &c.

III. That the funds of the association shall be loaned and advanced to their members and stockholders, upon the security of real and personal estate, on such terms and conditions, and subject to such regulations as may from time to time be prescribed by the by-laws of the said association; and it shall and may be lawful for the said association to hold such lands, tenements and hereditaments as may be *bona fide* mortgaged and conveyed to it by way of security upon its loans and advances, or purchased at sales made according to law, upon judgments or decrees at law or equity, for the recovery of their debts; and to sell, alien or otherwise dispose of the same as they may from time to time deem expedient.

Funds of the Association.

A. D. 1856.

IV. That if the funds of the said association shall remain unproductive and uncalled for for the space of two months by their own members and stockholders, it shall be lawful for the said association to lend what may be on hand to others than stockholders, at the rate of seven per centum per annum if it be safely invested, and be repaid within one year.

V. That whenever the funds of the said association shall have accumulated to such an amount that, upon a fair division thereof, each stockholder, for each and every share of stock by him or her so held, shall have received, or be entitled to receive, the sum of two hundred dollars, or the value thereof in property, and such distribution and division shall have been made, then the said association shall cease and determine: *Provided*, That in case the said association shall not have closed its operations and affairs, as above provided for, within a shorter period, then this Act shall not continue in force beyond ten years.

Public Act.

VI. That this Act shall be deemed a public Act, and be given in evidence without being specially pleaded.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4312. AN ACT TO DEFINE AND EXTEND THE POWERS OF THE COMMISSIONERS OF FREE SCHOOLS OF ST. PHILIP AND ST. MICHAEL.

Preamble.

Whereas doubts have been expressed as to the powers of the Commissioners of Free Schools of St. Philip and St. Michael, under the Act to authorize and empower the Commissioners of Free Schools of the said Parishes to raise a fund for the building of free school houses, and for other purposes, and it is deemed expedient to settle the same:

Extent of powers.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the powers of the said board shall extend to any application of the money which they are authorized to raise, to such free or common schools within the said Parishes as they may see fit to establish, and to the erection of buildings, purchase of lots, furniture, books, school apparatus and conveniences, admission and discharge of pupils, employment of teachers, and to the proper ordering and management of all schools under their charge, according to their best judgment.

Assessments.

II. The said Board shall have power to assess, levy and collect from and upon the tax payers in the said Parishes, annually, a sum not exceeding fifteen per centum upon the general tax of such tax payers; and the Tax Collector shall collect and pay over the same

to the said Board, and shall be entitled to receive two and a half per centum on the amount collected, in addition to his present salary, and shall be subject to the same penalties for any default as are prescribed by law in like cases.

A. D. 1856.

III. The said Board shall be authorized to receive from the Treasurer of the State the amount appropriated annually for free schools, and to apply the same in common with the fund raised by them from taxes; and they shall account for all moneys before the Court of Common Pleas, annually, in the same manner as is required by law of the Commissioners of Public Buildings, and shall also make an annual return to the General Assembly of the schools, pupils and teachers under their charge, and of the expenses incurred for education.

Appropriations.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY IN SUNDRY PERSONS THEREIN MENTIONED. No. 4313.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to certain real estate of George Broad, deceased, late of the Parish of Saint John's Berkely, containing one hundred acres, bounded on the north by Wyrshing's tract, on the east by the Fairfield tract, on the south by the Oakley tract, and on the west by land known as Barker's pine land, be, and the same is hereby, vested in James S. Dargerfield, and his heirs and assigns forever.

Estate of
George Broad.

II. That all right, title and interest of the State, in and to the real estate of David Wilson, deceased, late of Beaufort District, being a house and lot situate, lying and being in the town of Beaufort, and purchased from Levy Moses, be, and the same are hereby, vested in Elizabeth L. Ellis, her heirs and assigns forever: *Provided*, That in consideration of the release of the Trustees of the College of Beaufort, of their claim to the said real estate, their right to collect from property hereafter liable to escheat, within Beaufort District, whatever balance may be now due to them of the sum of five thousand pounds, vested in them under the Act of nineteenth of December, one thousand seven hundred and ninety-five, shall not be in any manner whatever impaired by said release.

Estate of
David Wilson.

III. That all the right, title and claim which the State may have in and to the estate, real and personal, whereof Josiah H. Smoot, late of Sumter District, deceased, was the owner at the time of his

Estate of Jo-
siah H. Smoot.

A. D. 1856.

death, be vested in Josiah T. Cummings, Ann M., wife of William A. Young, Susan, wife of John McSween, Joanna, wife of Peter A. Brunson, and Elizabeth, wife of Robert R. Cannon, to them, their heirs, executors and administrators, forever: *Provided*, That nothing in this clause contained shall be construed to divest the Sumterville Academical Society of any right in and to the estate, real and personal, of the said Josiah H. Smoot, heretofore vested in said corporation by any Act or Acts of the General Assembly.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4314. A BILL TO ALTER AND AMEND THE TENTH SECTION OF THE FIRST ARTICLE OF THE CONSTITUTION OF THIS STATE.

Constitution
amended.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the tenth Section of the first Article of the Constitution of this State be altered and amended to read as follows: Senators, according to their classification, and members of the House of Representatives, shall be chosen on the second Monday in October, in the year of our Lord one thousand eight hundred and sixty, and on the same day in every second year thereafter, in such manner and at such times as are herein directed, and shall meet on the fourth Monday in November, annually, at Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation,) unless the casualties of war or contagious disorders should render it unsafe to meet there, in either of which cases the Governor, or Commander-in-Chief, for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America: We certify that the above Bill has been read the present session, three times in the House of Representatives and three times in the Senate, and was agreed to by two-thirds of both branches of the whole representation, on the second and third readings thereof.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER THE TIME OF HOLDING THE ELECTION OF
TAX COLLECTOR FOR PICKENS DISTRICT.A. D. 1856.
No. 4315.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the next stated election for Tax Collector of Pickens District, and each election for said office to be held thereafter, shall take place on the third Monday in August, instead of the first Monday in the same month, as is now provided by law.

Election,
when held.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE
FOR THE MEASURING OF TIMBER IN THE CITY OF CHARLES-
TON, AND TO CREATE THE OFFICE OF INSPECTOR AND SUR-
VEYOR THEREOF," PASSED THE TWENTIETH OF DECEMBER,
ONE THOUSAND EIGHT HUNDRED AND FIFTY-THREE. No. 4316.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the public measurers of ranging timber in the city of Charleston shall be entitled to receive for measuring ranging timber eight cents per thousand for every thousand feet measured; and all other Acts, or parts of Acts, inconsistent with this Act, be, and are hereby, repealed.

Fees for
measuring tim-
ber.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE KEOWEE AND TUCKASEEGEE
TURNPIKE COMPANY. No. 4317.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Wm. Sloan, John T. Sloan, James A. Doyle, Samuel Lo-

Corporators.

- A. D. 1856. vingood, David W. Sloan, Wm. L. Sloan, and such other persons as they may associate with them, be, and they are hereby, authorized and empowered to lay out, erect, and keep in repair a turnpike road in Pickens District, in this State, commencing at some point on the line of the Blue Ridge Railroad west of the Stump House Tunnel, and from thence a north-east course, following the general direction of the Chattooga Ridge to the line of the State of North Carolina, near the residence of John Calhoun, there to unite with a road now in course of construction by the Tuckasegee and Keowee Turnpike Company, chartered by the State of North Carolina; and for the purpose of establishing said road the persons hereinbefore named, or a majority of them, and their associates, successors or assigns, shall be, and they are hereby, created a body politic and corporate, by the name and style of the Keowee and Tuckasegee Turnpike Company, and shall have succession of officers and members, to be appointed according to the by-laws and regulations the said company may establish. That all questions concerning the right of way for said turnpike road, when the company and the land owners cannot agree touching the same, shall be determined in the same manner as is provided by the tenth Section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, for determining questions of right of way for said railroad. In all cases of appeal from assessments by Commissioners, fuel costs shall be awarded, and the collection thereof enforced as in cases of trespass on the case.
- Name. II. That the capital stock of said company shall be fifteen thousand dollars, in shares of one hundred dollars each, to be subscribed in books opened for that purpose, under the direction of the corporators, or a majority of them, hereinbefore named, on such days, by such persons, and at such places as they may appoint; and when the sum of six thousand dollars shall be subscribed, a meeting of the stockholders shall be called by the above named corporators, and the company may be organized by those representing a majority of the stock, each share entitling the owner to one vote.
- Capital stock. III. That the said corporation shall have power to make all such rules, regulations and by-laws, not repugnant to the laws of the land, as they may deem expedient; shall be able and capable, in law, to purchase, take, hold and enjoy, and the same to alien at will, any estate, real or personal, not exceeding in value double the amount of their capital stock; and by the name aforesaid may sue and be sued, in any court of law or equity in this State; may have a common seal and corporate existence for the term of twenty-one years (unless their charter be forfeited by law) from the completion of said road.
- Rules, &c. IV. That the company herein authorized shall be allowed two years from the ratification of this Act to organize and commence the construction of the road herein contemplated, and five years from the commencement of the work to complete the same.
- Time of construction. V. That it shall and may be lawful for the said company to erect one or more toll-gates for the collection of toll, and they shall be authorized to take and receive as a toll for passing the said turn-
- Tolls.

pike, according to the following rates: For every four wheel carriage drawn by two or more horses, seventy cents; for every buggy or other carriage drawn by one horse, forty cents; for every wagon drawn by six horses, eighty cents; for every wagon drawn by five horses, seventy cents; for every wagon drawn by four horses, sixty cents; for every wagon drawn by three horses, fifty cents; for every wagon drawn by two horses, forty cents; for every wagon drawn by one horse, thirty cents; for every cart or one-horse vehicle other than as above, twenty cents; for every passenger on horse back, ten cents; for every loose horse or mule, three cents per head; for every head of cattle and hogs, two cents, and for every head of sheep or goats, one cent.

VI. That if any person shall wilfully destroy, injure or obstruct the said road, or any part thereof, such person shall be liable to pay treble damages to the said company, to be recovered by action of debt in any court of record in this State having jurisdiction, and shall also be liable to indictment in the Court of Sessions, as for the obstruction of a public highway, and punished by fine and imprisonment at the discretion of the court.

VII. That for failure to keep the said road in proper repair after the same shall have been completed, the said company shall be liable to a forfeiture of the charter herein granted.

VIII. That whenever satisfactory proof shall be made to the Comptroller General by the said company that three-fifths of their capital stock has been subscribed by responsible persons, according to the provisions of an Act entitled "An Act to define the terms upon which the State will aid in the construction of turnpike roads," ratified in December, Anno Domini one thousand eight hundred and thirty-eight, and that it is the intention of said company to proceed as soon as possible to the execution of the contemplated work, it shall be his duty to subscribe on the part of the State the remaining two-fifths of said capital stock, upon the terms and subject to the reservations, qualifications and conditions contained in the Act of December, Anno Domini one thousand eight hundred and thirty-eight aforesaid.

IX. That whenever satisfactory proof shall be produced to the Comptroller General that two thousand dollars have been paid in by the private subscribers and expended either in the purchase of such real estate as may be necessary for the construction of the projected turnpike road, or in work thereon, he is hereby authorized and required to pay the sum of two thousand dollars on account of the State's subscription. And whenever satisfactory proof shall be produced to him that two thousand dollars more have been paid in by private shareholders and expended in the construction of the road, he shall pay two thousand dollars more on account of the State's subscription, and shall pay the third and last instalment of two thousand dollars as soon as the said turnpike road shall have been completed.

X. That the State shall in no wise be liable for the debts or contracts of the company, nor shall the shares of the State be subject to any assessment.

XI. That the said company shall make, annually, a report to the General Assembly as to its condition and prospects, and shall pay,

A. D. 1856.

}

Damages.

Failure to
keep in repair.State sub-
scription.State not
liable.

Annual report.

A. D. 1856.

annually, into the public Treasury, all sums of money that may arise from dividends on the shares of the State in said company.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4318. AN ACT TO PROVIDE FOR THE INSPECTION OF NAVAL STORES.

Duty of In-
specter of Na-
val Stores.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of the Inspector of Naval Stores for the city of Charleston, to be hereafter appointed, to examine and inspect any crude turpentine or other resins of grades other than those known as common or number two, which may hereafter be offered for sale in the city of Charleston, and which may be submitted for examination by the owner or other person having charge of the same.

II. That every barrel of crude turpentine or resins submitted to the Inspector aforesaid shall be by him weighed and searched and tried, and the Inspector shall brand every such barrel or cask with the word "Charleston," and shall brand thereon, in characters known to the trade, the quality of said turpentine or resin, together with the weight of the same expressed in figures.

Fees.

III. That for every barrel of turpentine or resin weighed by the Inspector he shall be entitled to three cents, and for every barrel inspected and branded as herein directed three and one-quarter cents, to be paid by the owner of said turpentine or his agent, and the Inspector shall have a lien on said barrels for the amount due.

Penalties
for defacing
brand.

IV. That any person who shall alter or erase or deface the mark or brand made by the Inspector shall be subject to a penalty of fifty dollars for every such offence; and any person attempting to prevent the Inspector from exercising the duties prescribed by this Act shall be subject to a penalty of twenty dollars for each offence, all of which shall be recoverable by indictment; and the Inspector shall not be permitted to purchase, directly or indirectly, any turpentine or resin for sale or exportation, under a penalty of ten dollars per barrel.

Appointment
of Inspector.

V. That the Inspector under this Act shall be appointed annually by the City Council of Charleston, and shall give bond in the

sum of two thousand dollars, conditioned for the faithful discharge of his duties.

A. D. 1876.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE METHODIST EPISCOPAL CHURCH, SOUTH, ON THE YORK CIRCUIT, AND IN THE TOWN OF YORKVILLE. No. 4319.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Benjamin Rowell, James A. Wallace, Elijah N. Faris, James H. Postell, Robert Love, James Daniels and S. Elam, Trustees of the Methodist Episcopal Church, South, on the York Circuit, in York District, South Carolina, and James Jeffreys, Adrian W. Beard, Peyton B. Darwin, James S. Lewis, John E. Jeffreys, William M. Walker, and Miles Johnson, Trustees of the Methodist Episcopal Church, South, in the town of Yorkville, in the said State, be, and they are hereby, declared and constituted bodies politic and corporate, by the name and style to each hereinbefore respectively assigned.

Corporators.

II. That the said church shall have succession of officers and members, according to their respective by-laws, rules and regulations, and shall have power, respectively, to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess or be entitled to, or which shall hereafter be given, bequeathed or devised to them, respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof.

Officers, members, powers, &c.

III. That this Act shall be a public Act, and shall continue of force for twenty-one years.

Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1856.

AN ACT TO CONFER UPON ALIEN WIDOWS THE RIGHT TO TAKE
AND HOLD REAL ESTATE.

No. 4320.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any citizen of the United States shall die seized, possessed of, or interested in any land or real property situated and being within this State, and leave a widow born without the limits of the United States, and who has not been naturalized, such widow shall be entitled to all the same rights, interest and estate in and to such land and real property, and be possessed of the same powers, privileges and capacities to hold, enjoy, convey and transmit the same as if she were naturalized.

Alien widows.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4321. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH
CLARENDON COUNTY AS A SEPARATE JUDICIAL DISTRICT."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the tenth Section of an Act entitled "An Act to establish Clarendon County as a separate Judicial District," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, as requires the Commissioners of Public Buildings of said District to exhaust the fund derived from the sales of lots authorized to be made under the second Section of said Act before they can draw the appropriation therein made for the building of a court house and jail for the said District, be, and the same is hereby, repealed: *Provided*, That the Commissioners of Public Buildings for said District shall pay into the treasury any surplus that may remain of said appropriation and the sale of said lots after the completion of said court house and jail.

Section re-
pealed.Section
amended.

II. That the ninth Section of the said Act be so amended as to require the Clerk to give bond in the penal sum of eight thousand dollars, and that the bond heretofore given by the present Clerk of the said District be, and the same is hereby, declared legal and valid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH A COURT OF EQUITY FOR CLARENDON DISTRICT, AND FOR OTHER PURPOSES.

A. D. 1856.

No. 4322.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January, one thousand eight hundred and fifty-eight, Clarendon election District be, and the same is hereby, established as a separate Equity District, attached to the Fourth Equity Circuit, and that the said court for the said District shall be held at Clarendon Court House on the Thursday preceding the first Monday in June in each year, to sit for three days, if so much be necessary.

Separate Equity District.

II. That a Commissioner in Equity for Clarendon District shall be elected at the next session.

Commissioner in Equity.

III. That in all indictments for murder pending in the Court for Sumter District, in which the homicide was committed in that part of the Judicial District of Sumter now organized as the Judicial District of Clarendon, and all actions of trespass to try titles and trespass *quare clausum fregit*, pending in the Court for Sumter District, in which the trespass is charged on land in the Election District of Clarendon, be transferred to the dockets of the Judicial District of Clarendon, and that all commissions in such actions in the office of the Clerk of the Court of Sumter be transferred to the Clerk of the Court of Clarendon District.

Cases to be transferred.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE PARISHES OF ST. STEPHEN'S AND ST. JOHN'S BERKELEY.

No. 4323.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the boundary line between the Parishes of St. Stephen's and St. John's Berkeley be, and the same is hereby, established as follows, to wit: Commencing at a marble post in Windsor rice field, by the run of Cook's Creek, head waters of Cooper River, on the line between the Parishes of St. John's Berkeley, and St. James' Santee, and running thence north forty-six degrees thirty minutes west, on the line of Craven and Berkeley Counties, as laid out by an order of Council in the year of our Lord one thousand seven hundred and thirty-three, a distance of twenty-seven miles, and intersecting the Santee River at the mouth of the engine ditch, above the mouth of Santee Canal, as is represented by a map of re-survey on file in the Secretary of State's office, executed by W. Henry Mellard, Deputy Surveyor, under the direction of Commissioners

Boundary line established.

A. D. 1856.

appointed by resolution of the General Assembly in December, in the year of our Lord one thousand eight hundred and fifty-five.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4324. AN ACT TO VEST IN THE VESTRY AND CHURCH WARDENS OF THE PARISH OF ST. THOMAS AND ST. DENNIS THE POWER OF PURCHASING AND SELLING PROPERTY FOR CERTAIN PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Vestry and Church Wardens of the Parish of Saint Thomas and Saint Dennis be, and they are hereby, declared to be vested with full power and authority to purchase, hold, sell and convey property, real and personal: *Provided*, That all property already purchased, or hereafter to be purchased, with any portion of the funds, or the proceeds of the funds, devised and bequeathed to the Vestry of Saint Thomas by the will of Richard Berresford, dated in May, seventeen hundred and fifteen, for the maintenance and tuition of the poor of said Parish, shall be held by the said Vestry of Saint Thomas and Saint Dennis for the benefit of the said charity, and subject to the trust on which said funds are devised and bequeathed by said will, with power and authority to sell and reinvest, for the like purposes, and on the like trusts, as often as to the said Vestry may seem expedient.

Vested powers.
Proviso.

Confirmation
of a purchase.

II. That the purchase of a certain tract of land, situate in the Parish of Saint Thomas and Saint Dennis, on Wando River, near the village of Louisville, containing two hundred and twenty-five and one-half acres, (as by a conveyance to the Vestry and Wardens of said Parish by Eleazor Phillips, dated the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-two, will more fully appear,) heretofore made by the said Vestry and Wardens, be, and the same is hereby, confirmed, and that the same shall be held upon the same trusts as are declared in the will of the said Richard Berresford.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR A SUPPLY OF WATER TO THE PUBLIC BUILDINGS IN THE CITY OF COLUMBIA.

A. D. 1856.
 No. 4325.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so soon as satisfactory evidence shall be furnished to the Comptroller General, that the new water works of the city of Columbia, now under contract, are completed, and the upper or distributing reservoir thereby supplied with water, the Comptroller General shall draw his warrant in favor of the Mayor and Aldermen of the said city of Columbia, or their successors in office, on the Treasurer of the Upper Division of this State, for the sum of ten thousand dollars, in addition to that heretofore appropriated. And in case the said Mayor and Aldermen, or their successors, shall accept and receive the said sums of money so appropriated, then and in that event the colleges, and all buildings connected therewith, the State House, Lunatic Asylum, Arsenal, Court House, Jail, Public Academies, and other public buildings within the city of Columbia, and all other public buildings which the State may hereafter erect within the corporate limits of the said city, shall, in consideration of the said sums of money, be forever exempted from all charge for supplies of water, which may, at the expense of the Trustees of such colleges and academies, and of the State, be conveyed from the said water works, or the distributing pipes thereof, to the said colleges, academies, and other public buildings.

Appropriation for water works.

Conditions.

II. That in consideration of the foregoing contribution by the State, the city of Columbia be, and it hereby is, obligated to provide at all times, and under all circumstances, in all future time, a full and adequate supply of water to all of the buildings referred to in the first Section of this Act.

Obligation of city of Columbia.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF COLUMBIA TO ISSUE BONDS OR STOCKS, AND FOR OTHER PURPOSES.

No. 4326.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Mayor and Aldermen of the City Council of Columbia, or their successors in office, be authorized and empowered to borrow money by issuing city bonds or stocks, from time to time, to the amount of fifty thousand dollars, if so much be necessary, to pay for the completion of the new water works, and for the purpose of improving Camden or Taylor street, and for such other

Power to issue bonds.

A. D. 1856. improvements in the city of Columbia as the City Council may make.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4327. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO EXEMPT THE BEAUFORT VOLUNTEER COMPANY OF ARTILLERY FROM REGIMENTAL REVIEWS, AND FOR OTHER PURPOSES."

Allowance to
Artillery Com-
panies.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each corps of artillery throughout the State shall be allowed the sum of thirty-seven dollars and fifty cents for each piece of artillery fully manned and regularly exercised by the said corps, for the purpose of defraying the expenses of the same, to be drawn from the treasury by order of the commanding officer of the said corps, countersigned by the commanding officer of the regiment or battalion to which the said company may be attached, stating the number of pieces so manned and exercised as above: *Provided*, The sum so to be drawn shall in no case exceed the sum of two hundred and twenty-five dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4328. AN ACT TO AUTHORIZE THE UNITED STATES TO PURCHASE CERTAIN PARCELS OF LAND IN THIS STATE FOR THE ERECTION OF LIGHT-HOUSES AND BEACONS, AND TO CEDE THE JURISDICTION OF THIS STATE OVER THE SAME, AND FOR OTHER PURPOSES.

Power given to
purchase cer-
tain lands.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the United States, or such person or persons as may be by them authorized, shall have the right to select and purchase the fee simple of such portion or parcels of land as may be necessary for erecting light-houses and beacons at the following points, that is to say: A site for a light-house in or near the town of Mount Pleas-

ant, Charleston harbor, not exceeding one acre; a site for a beacon light at White Point, in the city of Charleston, to be designated by the City Council of Charleston; and a site for a light-house on Fort Point, near Georgetown, not exceeding twenty acres.

A. D. 1856.

II. That if the person or persons whose land may be chosen for the above mentioned sites should not be disposed to sell the same, or if the person or persons appointed to make the purchase should not be able to agree upon terms, either as to the quantity of land or the value thereof, with such owner or owners of said land, the same shall be determined and valued upon oath by a majority of three Commissioners, to be appointed for the purpose by His Excellency the Governor of the State, and the said lands shall be vested in the United States upon their paying the amount of such valuation to the owner or owners thereof respectively.

Commissioners in certain cases.

III. That the exclusive legislation of this State over such portions or parcels of land as have been or may be purchased under the authority of an Act entitled "An Act to authorize the United States to purchase certain parcels of land in this State for the erection of light-houses and beacon lights," passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, be, and the same is hereby, ceded to, vested in, and assured unto the United States, so far as the same shall be incident and essential for the erection of the said light-houses and beacons and other needful buildings, and for the general regulation of the same: *Provided, nevertheless,* That nothing herein contained shall be construed to authorize the use of said parcels of land for any other purposes than are specified in the last Act above mentioned, and in this Act, or to exclude or prevent any process, civil or criminal, issuing from the courts of this State, from being served or executed within the limits of the same.

State jurisdiction ceded to United States.

Proviso.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXEMPT THE MEMBERS OF THE BOARD OF FIRE MASTERS, AND THE OFFICERS AND MEMBERS OF THE INCORPORATED FIRE ENGINE COMPANIES OF THE STATE OF SOUTH CAROLINA, FROM ORDINARY MILITIA DUTY AFTER A CERTAIN PERIOD OF SERVICE. No. 4329.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, any person who now is or may hereafter become a member of the Board of Fire Masters, or an officer or member of any one of the incorporated fire engine companies, or an officer or member of any one of the incor-

Exemption of certain persons from militia duty.

A. D. 1856.



Proviso.

porated axe companies of the State of South Carolina, and shall perform, for fourteen consecutive years, duty as a member of the Board of Fire Masters, or as officer or member of any one or more of the incorporated fire engine companies, or as officer or member of any one or more of the incorporated axe companies of the State of South Carolina, shall, at the expiration of said fourteen years' duty in any one or more of said capacities, be exempted from ordinary militia duty: *Provided, however,* That there shall not be more than thirteen companies in the city of Charleston at any one time to which the said exemption shall apply, and that none of the said companies shall have more than seventy-five members at any one time.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4830. AN ACT TO AMEND "AN ACT FOR THE BETTER ORDERING AND GOVERNING NEGROES AND OTHER SLAVES IN THIS PROVINCE," PASSED THE TENTH DAY OF MAY, SEVENTEEN HUNDRED AND FORTY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the thirty-eighth Section of an Act entitled "An Act for the better ordering and governing negroes and other slaves in this province," passed on the tenth day of May, in the year of our Lord one thousand seven hundred and forty, be, and the same is hereby, so altered and amended that the proceeding therein provided against persons who violate the provisions of said Section, shall be had and conducted by indictment in the Court of Sessions, with the right of appeal, as in other cases of indictment for misdemeanors, and that all the other provisions of said Section be and remain the same as now provided, except that the fine or sentence imposed on conviction under such indictment, be paid over to Commissioners of Public Buildings of the District in which the offense may be committed.

Act amended.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and in the eighty-first year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

A. D. 1857.

No. 4331.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the public Treasury of this State for the use and service thereof, that is to say: Sixty cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification as heretofore established; seventy cents per head on all slaves; two dollars on each free negro, mulatto or mustizo, between the ages of fifteen and fifty years, except such as shall be clearly proved to the satisfaction of the Collector to be incapable, from maims or otherwise, of procuring a livelihood; twelve and a-half cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; fifty cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of law, the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, schoolmasters, schoolmistresses and mechanics, and on the amount of commissions received by vendue masters and commission merchants; twenty-five cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and fifty-seven, of all banks which, for their present charters, have not paid a bonus to the State; fifty cents on every hundred dollars used or employed in this State by any agent of any bank of issue out of this State between the first of October, one thousand eight hundred and fifty-six, and the first of October, one thousand eight hundred and fifty-seven, in effecting loans or discounts, and dealing in exchange or notes; twenty cents per hundred dollars on the capital stock of all incorporated gas light companies; one per cent. on all premiums taken in this State by incorporated insurance companies, and by the agencies of insurance companies and underwriters, without the limits of this State; fifteen cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all the articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States or Territories thereof excepted,) which any person shall have made from the first day of January, of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and fifty-eight, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; twenty-five cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatsoever, to be paid into the hands of the Clerks of the Court respectively, who shall be bound to pay the same into the

Tax on lands.

Slaves and free negroes, &c.

Lots and buildings.

Factorage, professions, &c.

Commissions.

Bank Capital.

Gas light and insurance companies.

Merchandise.

Public exhibitions.

- A. D. 1857. public Treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.
- Taxes, to whom paid. II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax District in which said property is located.
- Machinery exempt. III. In making assessments for taxes on the value of taxable property used in manufacturing or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.
- Duty of Tax Collectors. IV. That the Tax Collectors in the several Districts and Parishes in this State, in the returns hereafter to be made, be, and they are hereby, required and enjoined to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes; and the Comptroller General shall return the same in his report.
- Free negroes, when to pay tax. V. That free negroes, mulattoes and mustizoes be, and they are hereby, required to make their returns and pay their taxes during the month of March.
- Sullivan's Island. VI. That the lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax District in which they are situate in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.
- Certificates to be issued. VII. The Comptroller General is directed to cause certificates for six per cent. stock, to be issued in the usual form, to the Blue Ridge Railroad Company, and to the Bank of the State, in substitution for any of the bonds of the State which have been heretofore issued, and payable at the same time, whenever the said bonds shall be delivered up and cancelled; and a separate account shall be kept of all the bonds and stock issued for account of the erection of the Capitol, and for account of the Blue Ridge Railroad Company, and the interest upon the bonds and stock issued to the Railroad Company shall be paid by the bank in the same manner as the interest upon other public debts; and the interest upon the bonds and stock issued for the erection of the Capitol shall be paid at the Treasury.
- How taxes receivable. VIII. The Comptroller General shall direct the Tax Collectors and Treasurers to receive the taxes and other dues of the State only in notes of the bank of the State, or of specie paying banks of this State, or in coin of the United States.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4332. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, twenty-five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for extra services of the Messengers of the Senate and House of Representatives, fifty dollars each, to be paid at the end of the session; for the services of the Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, six hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, twelve thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amount of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division before the twentieth day of February next, and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And, further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within thirty days after the adjournment of the Legislature; for John G. Bowman, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be ne-

A. D. 1857.

Appropriations.

Executive Department.

Legislative Department.

A. D. 1857.

cessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts and expenses of the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, six hundred dollars; fifteen hundred dollars, if so much be necessary, for printing the rules of the House, to be expended under the direction of the Special Committee entrusted with the preparation of that work; two thousand seven hundred and seventy-five dollars for the State subscription to the reprint of certain of the Law and Equity Reports, to be paid to Messrs. McCarter & Co., upon the delivery by them, to the Legislative Librarian, of the copies of such Reports.

Judiciary
Department.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of the Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for fire wood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel; for fire wood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sitting of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said courts, upon the adjournment of the Courts of Appeal, respectively, in pamphlet form, and so arranged that they may be bound up in one volume, when in the opinion of the Judges of the Courts of Appeal there may be a sufficient number of pages for that purpose; for the pay of jurors and Constables, forty thousand dollars, if so much be necessary.

Treasury
Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removed at the pleasure of the

Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

A. D. 1857.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer, and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; and for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for the expenses of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

South Carolina College.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-three thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, twenty-five thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, two thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature, at its present session, fifteen thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several election Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the education of the Deaf and Dumb, and of the Blind, seven thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committee of Ways and Means, and of Finance and Banks, agreed to by the Legislature, five hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of the other Committees, one thousand dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary; for the salary of the Register of Births, Deaths and Marriages, four hundred dollars.

Ordinary civil expenses.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the

Military expenditures.

A. D. 1857.

Jail and Physician of the Magazine Guard at Charleston, each five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty thousand dollars, if so much be necessary; and also five hundred dollars for each of the said Academies, for the purchase of books for a Library for each of the said Academies; and the said Military Academies shall be under the direction of the Board of Visitors of said Academies, so that their support shall not exceed the said sum, to be drawn and accounted for to the Legislature by the said Board of Visitors: *Provided*, That each judicial District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or, in that proportion, as far as the appropriation for the schools may allow; for the military accounts, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies, two thousand dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for repairing arms and Arsenal purposes in Charleston and Columbia, two thousand dollars; one thousand dollars for the erection of a gun-shed for the Columbia Flying Artillery, subject to the draft of the captain of said company; for repairs of the Arsenal at Beaufort, two thousand eight hundred and thirty-five dollars, to be paid according to the provisions of the report and resolution on that subject, adopted at the present session.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor at Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish.

IX. FOR PUBLIC BUILDINGS.—For continuing the erection of the institution of the Deaf, Dumb and Blind, at Cedar Spring, ten thousand dollars, to be subject to the order of the Commissioners; for the enlargement and improvement of the Court House in

Ordinary local expenditures.

Public buildings.

Charleston, twenty-five thousand dollars; for the enlargement and improvement of the Court House for Colleton District, four thousand dollars, the above amounts to be drawn by the Commissioners of the Districts respectively, and accounted for by them; for enlarging the Court House of Laurens District, eight thousand five hundred dollars; for building a new jail at Orangeburg, eight thousand dollars; for repairs of the roof of the Library of the Court of Appeals, five hundred dollars, if so much be necessary, to be paid to the order of Commissioners of Public Buildings for Richland District, to be accounted for to the next General Assembly.

X. FOR EXTRAORDINARY EXPENDITURES.—For the support of the Catawba Indians, fifteen hundred dollars, if so much be necessary, to be paid and expended as heretofore, under the direction of the Governor; to the Historical Society of South Carolina, five hundred dollars, to be paid to the draft of the President of said Society; for the third year's subscription in aid of the publication of Tuomey & Holmes' Fossils of South Carolina, two thousand dollars, to be paid to the order of Messrs. Tuomey & Holmes, as soon as they shall have deposited in the Legislative Library two hundred copies of the next series of five numbers of that work; for the salary of the Geological, Mineralogical and Agricultural Surveyor of the State, for his third year, three thousand dollars, and four hundred dollars more, if so much be necessary, for the publication of maps and plates to accompany his report, to be paid to his draft whenever he shall have deposited one thousand copies of the said maps in the Library of the Legislature; for the salary of the Commissioner superintending the construction of the new State House, three thousand five hundred dollars; for deepening the Sullivan's Island channel of the port of Charleston, all moneys that shall be placed in the Treasury on account of dividends declared on railroad shares and stock owned by the State, to be held liable to the draft of the Commission raised to examine and improve that port; for T. N. Dawkins, Solicitor, seven hundred and twenty-two dollars and eighty-five cents, for services as provided by resolution adopted at last session; for the subscription of the State to the stock of the Keowee and Tuckasegee Turnpike Company, four thousand dollars, to be paid to the said company according to the provisions of the Act authorizing such subscription; for affording aid to the State Agricultural Society of South Carolina, five thousand dollars; for the Elliott Society of Natural History, five hundred dollars, to be paid to the order of its President; for erecting a building for a Normal and High School in Charleston, in conjunction with the Commissioners of Free Schools of St. Philip and St. Michael, ten thousand dollars, to be paid to said Commissioners according to the provisions of the Act passed at the present session; for the South Carolina Institute for the promotion of Art, Mechanical Ingenuity and Industry, five thousand dollars, to be paid to the order of the President and Treasurer thereof; for printing one thousand additional copies of the plates and maps accompanying the report of the State Geological Surveyor for the year eighteen hundred and fifty-six, five hundred dollars, if so much be necessary; and for printing two thousand copies of the plates and maps accompanying the report for the year eighteen hundred and fifty-

A. D. 1857.

Extraordinary
expenditures.

A. D. 1857.

seven, one thousand dollars; said amounts, respectively, to be subject to the drafts of said Surveyor when he shall have deposited in the Legislative Library one thousand copies of the maps and plates, with the report of eighteen hundred and fifty-six, and two thousand copies of the maps and plates, with the report of eighteen hundred and fifty-seven; one hundred and fifty dollars, if so much be necessary, for furnishing and distributing the necessary Registration Books for the use of the Tax Collectors, to be subject to the order of the Registrar of Births, Marriages and Deaths; for Simeon Fair, Solicitor, five hundred dollars for compensation voted him by joint resolution at the present session.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4353. AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NORMAL SCHOOL IN THIS STATE.

Training
Teachers.

Whereas it is necessary to any system of public education that provision should be made for the training of teachers in Normal Schools; and whereas it is desirable to establish such schools in different parts of the State; and whereas the Commissioners of Free Schools of the Parishes of St. Philip and St. Michael have offered to conduct such a school if the State will authorize and assist the same:

Normal and
Female High
School.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Free Schools for the Parishes of St. Philip and St. Michael are authorized to establish and conduct a Normal School for the training of female teachers for the State at large, in connection with a Female High School for the said Parishes, and for that purpose to erect and furnish a suitable building; and that whenever ten thousand dollars shall have been subscribed by the citizens of the said Parishes for the erection and furnishing of the said building, the State will subscribe an equal amount, and will pay the same in portions equal to the portions paid by the said citizens.

Constitution.

II. The State will also contribute annually, for five years, the sum of five thousand dollars, for the support of the said school: *Provided*, That at least an equal amount shall also be contributed by the inhabitants of the said Parishes annually, for the same purpose, either by assessment or contribution.

Kind of pu-
pils admitted.

III. The said Commissioners shall receive into the said school, free of any charge for tuition, female pupils from every part of the State, not exceeding fifteen to each Congressional District, for the

purpose of being trained as teachers: *Provided*, That such applicants shall have the qualifications, and shall stand the examinations required of other applicants of equal grade.

A. D. 1857.

IV. The said Commissioners shall have power to conduct the said school, and to make such regulations for its government as they may deem best suited to its beneficial operation, and shall report its condition and expenses annually, with their usual report, to the General Assembly.

Power of Commissioners

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXTEND THE POWERS OF THE COMMISSIONERS OF FREE SCHOOLS OF THE PARISHES OF ST. PHILIP AND ST. MICHAEL. No. 4334.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, That the power heretofore granted to the Commissioners of Free Schools of St. Philip and St. Michael, to assess and levy a tax for the purposes of education, be extended so as to permit the said tax to be thirty per centum upon the general tax, to be levied upon the property and inhabitants within the said Parishes.

Power extended.

II. The Tax Collector of the said parishes shall be entitled to receive for his services in and about the said tax, three per centum upon the amount collected, and no more.

Tax Collector.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO MAKE MALICIOUS TRESPASS INDICTABLE. No. 4335.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person who shall wilfully, unlawfully and maliciously cut, shoot, maim, wound or destroy any horse, mule, neat cattle, hog, sheep or goat, the property of another, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined and imprisoned at the discretion of the Judge before whom the case shall be tried.

Misdemeanor.

A. D. 1857.

Trespass.

II. That any person who shall wilfully, unlawfully and maliciously cut, mutilate, deface, or otherwise injure the trees, houses, out houses, fences or fixtures of another, or commit any other trespass upon real property in the possession of another, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined and imprisoned at the discretion of the Judge before whom the case shall be tried.

Prosecution.

III. That whenever any person shall be prosecuted for any of the misdemeanors hereby created the owner of the property injured shall not have the right to maintain a civil action for the same injury.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4336. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALTER THE LAW IN RELATION TO THE ACTION OF TROVER, AND FOR OTHER PURPOSES."

Action of Trover.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to alter the law in relation to the action of Trover, and for other purposes," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be so altered and amended as to require every Sheriff who shall take the bond of a defendant or defendants in any action of Trover, or any successor of such Sheriff, at the request and cost of the plaintiff in such action, or his or her agent or attorney, to assign to such plaintiff the said bond by endorsing the same, and attesting it under his hand and seal in the presence of two or more credible witnesses.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4337. AN ACT TO PROVIDE FOR THE FURTHER MAINTENANCE OF THE PEACE OF THIS STATE IN RELATION TO DUELING.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever any Magistrate, or any person who has been

or may hereafter be constituted a Magistrate *ex officio*, shall receive information in writing, and under oath, that any person or persons are about to leave this State for the purpose of sending or receiving a challenge to fight a duel, or for the purpose of fighting a duel after such challenge shall have been sent or received, it shall be the duty of such Magistrate, or Magistrate *ex officio*, forthwith to issue his warrant for the arrest of such person or persons, to be carried before some Magistrate, who shall require such person or persons to enter into recognizance in such sum as to such Magistrate may seem meet, conditioned that such person or persons shall keep the peace within this State, and shall not leave the State for the purpose of sending or receiving a challenge to fight a duel, or for the purpose of fighting a duel after such challenge has been sent or received.

A. D. 1857.

Dueling.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF DERELICT ESTATES. No. 4338.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever it shall come to the knowledge of any Master or Commissioner in Equity of this State, that the estate and effects of any deceased person as to which administration could legally be granted by the Ordinary of his District, remain entirely or partially unadministered, either by reason of no application for letters of administration, or from any other cause, so that there is no legally appointed representative of such deceased person, it shall be the duty of such Master or Commissioner to make application to the Ordinary of the District for letters of administration on the estate of such deceased person, accompanied with a statement of the nature, condition and value, of the said estate, as far as it may be known to him ; and, thereupon, it shall be the duty of such Ordinary to insert a notice of such application, in the usual form, for forty days, in some public newspaper published in such District, or, if there be none such, in some adjoining District ; and, also, at the door of the Court House ; and, after such notice, to grant to such Master or Commissioner, letters of administration on the estate of such deceased person, with the will annexed, in case there be a will ; and such Master or Commissioner shall give his own bond for the faithful discharge of his duty as such administrator, in such amount as would be required in case of any other administrator, but no sureties on the same shall be required : *Provided*, That if, before letters of administration shall have been granted to such Master or Commissioner, who would otherwise be entitled to

Letters of Administration.

Notice of application.

Bond.

A. D. 1857.

Value.

letters of administration on such estate, any person who would be otherwise entitled to such administration should apply for the same, they shall be granted to such person in preference: *And provided, also,* That the whole value of said estate shall not exceed the value of five thousand dollars.

Duties and obligations.

II. That upon the grant of such letters of administration to him, such Master or Commissioner shall be subject to all the same duties and obligations and responsibilities, and have all the same rights, powers and authority in relation to said estate and the administration thereof, as are now provided for by law, in case of administrators, except that instead of two and one-half per centum, he shall be entitled to return the sum of five per centum on all amounts collected and received by him.

Inventory.

Official Record.

III. That in addition to filing an inventory, appraisement and account, in the office of the Ordinary of the District, such Master or Commissioner shall also keep an official record of the same, and all his proceedings therein, in his own office, which shall be submitted to the Chancellor for his inspection at each term of the Court of Equity in the District.

Application.

IV. That whenever, after the grant of letters of administration to such Master or Commissioner aforesaid, any other person who would be entitled to letters of administration on such estate as specially designated by law, shall apply to the Ordinary of the District granting the same, and be ready to give the required security, such letters of administration, previously granted to such Master or Commissioner, shall be revoked, and the same be granted to such person so applying for the same, but such revocation shall, in no wise, be held to annul or impair any act legally done, or right acquired, previously, under or by virtue of such administration.

Ordinary authorized.

V. That whenever it shall be made to appear to such Master or Commissioner, by deposition under oath, that any portion of the estate and effects of any deceased person as to whose estate there is no administration, and no person legally authorized to take possession of the same, and as to which he would, according to the foregoing Section of this Act, be authorized to apply for administration, is in danger of being lost, damaged or impaired in value, such Master or Commissioner may apply to the Ordinary of the District, setting out the reasons of his application for authority to take the same into his custody and possession; and, thereupon, such Ordinary shall be authorized to issue to such Master or Commissioner written authority under his official seal in the nature of letters *ad bona colligenda*, to take the custody and possession of such effects, and retain the same under his charge and control until administration shall be granted thereon; and, thereupon, such Master or Commissioner shall be authorized to take charge of and retain such effects.

Ordinary to sell.

VI. That whenever it shall appear necessary that any portion of the effects of any deceased person which shall thus come into the charge and custody of any Master or Commissioner should be sold to save the same from destruction or from great and evident loss or damage such Master or Commissioner may apply to any Chancellor at Chambers or in Court, for an order to sell the same; and, thereupon, such Chancellor may, after a summary examination, grant an

order to sell or dispose of such effects, in such way, and upon such terms as he may think proper in case he may deem such summary interposition necessary or expedient. And any sale so made in pursuance of such order shall be good and valid to all intents as if regularly made by an administrator under an order of the Court of Equity.

A. D. 1857.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCREASE THE AMOUNT OF THE OFFICIAL BOND OF THE TAX COLLECTOR OF LEXINGTON. No. 4339.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who may hereafter be elected or appointed to the office of Tax Collector for the District of Lexington shall, before he enters upon the discharge of the duties of his office, give bond, with good and sufficient security, in the penal sum of ten thousand dollars, which bond shall be taken and approved in the same manner and be in the same form as now required by law.

Office of Tax
Collector.

Security.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO DECLARE THE TENURE OF LOTS ON SULLIVAN'S ISLAND. No. 4340.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the present owners of lots on Sullivan's Island, whereon dwelling houses have been erected, and such citizens as may hereafter build dwelling houses upon the said Island, under the license granted by the Joint Resolution passed on the thirty-first day of July, in the year of our Lord one thousand seven hundred and ninety-one, shall be taken and deemed to have, and shall enjoy, the same rights, titles and interests, as tenants from year to year, in and to the lots now owned by them respectively; upon condition, nevertheless, that they shall deliver up the same when demanded

Sullivan's Is-
land.

Tenants.

A. D. 1857.
 Liberty of re-
 moving.

by the Governor of this State for the time being—he, she or they having the liberty of removing the buildings which are now, or may hereafter be, erected on said lots. And the titles thereto shall be assignable, transferable, transmissible and distributable, as estates for years now are, or hereafter may be, by the laws of this State, and the said owners shall have, take and enjoy and be entitled to use and employ all actions, suits and remedies for securing their quiet and peaceable possession and enjoyment of their said lots, and restitution and redress for any trespass, ouster or injury which they may suffer, or may be committed upon them, as tenants for years now have, or are entitled unto.

Redress for
 trespass.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4341. AN ACT TO INCREASE THE NUMBER OF THE COMMISSIONERS OF FREE SCHOOLS FOR LEXINGTON DISTRICT.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the number of Commissioners of Free Schools for Lexington District be increased to thirteen instead of twelve, the number now allowed by law.

Number of
 Commissioners

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4342. AN ACT TO AMEND THE LAW IN RELATION TO GRANTS FOR CATAWBA INDIAN LANDS.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any lessee of the Catawba Indian lands, being in possession, shall not have it in his or her power to deposit the lease under which he or she holds, as now required by law, by reason of its loss or otherwise, such person shall file in the office of the Secretary of State a notice of his or her intention to apply for the issuing of a grant, and shall publish the same in one or more of the newspapers of the District in which such land is situated, for at

Catawba In-
 dian lands.

least three months before the time of such intended application, which notice shall set forth the cause of the inability of such person to produce such lease, and shall be verified by the oath of the applicant; and that such grant shall thereupon issue, if the person applying be otherwise entitled thereto: *Provided*, That if any person shall, within five years from the issuing of such grant, produce a lease of the premises so granted, such grant shall thereupon become null and void.

A. D. 1857.

Proviso.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.


JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE DISTRICTS OF SUMTER AND CLARENDON. No. 4343.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the boundary line between the Districts of Sumter and Clarendon be, and the same is hereby, established as follows, to wit: Beginning at a corner on the east side of the Santee River and running thence north seventy-six degrees, east six hundred and fifty-four chains to a forked pine corner; thence south eighty-two degrees, east one hundred and four chains to a pine corner; thence north seventy-six degrees, east five hundred and twenty chains to a post on the Vance's Ferry Road; thence north seventy-seven degrees, east three hundred and sixty-eight chains and fifty links to a corner in Pocotaligo River; thence north thirty-four degrees, east one hundred and thirty-four chains and fifty links to a corner; thence north fifty-five degrees, east six hundred and fifty chains and fifty links to a corner in Black River; thence north eighty-six and one-half degrees, east sixty-three chains to a post on the Salem Road; thence north fifty-two degrees, east two hundred chains to a black gum corner; thence north fifty-five degrees, east four hundred and one chains to a pine corner; thence north fifty-eight and one-half degrees, east one hundred and thirty-five chains to the eastern side of Dyall's Bay; thence north fifty-five degrees, east fifteen chains to Mill Bay; thence north fifty-seven and one-half degrees, east ninety-four chains to two sweet gums; thence north fifty-five degrees, east four hundred and sixty-six chains and eighty links to a corner on the western bank of Lynch's Creek, the said line being forty-seven and one-half miles and one hundred and sixty yards in length, as is represented by a plat on file in the office of the Secretary of State, certified by Stephen M. Boykin, Surveyor-General, and Robert R. Rutledge and Samuel Tomlinson, Deputy Surveyors, on the eleventh day of April, Anno Domini eighteen hundred and fifty-seven, under a resolution adopted by the General Assembly of

Boundary line established.

Plat on file.

A. D. 1857.  this State on the eighth day of December, Anno Domini eighteen hundred and fifty-six.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4344. AN ACT TO AFFORD AID IN COMPLETING THE SPARTANBURG AND UNION RAILROAD.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

Evidence. same, That whenever satisfactory evidence shall be given to the Comptroller General that all liens on the property of the Spartanburg and Union Railroad Company have been removed he shall be authorized and required to endorse upon bonds of the said company to an amount not exceeding one hundred and fifty thousand dollars,

State guarantee. the guarantee of the State of South Carolina, thereby pledging the faith and funds of the State for the payment of the said bonds, and the interest to accrue thereon, which bonds shall be payable at such place as the President of the company may designate, and shall bear interest not exceeding the rate of seven per centum per annum, payable semi-annually, and shall not have more than twenty years to run: *Provided*, That none of the bonds so endorsed, as aforesaid, shall be sold by the company, or used for the purpose of paying or satisfying any debt due and owing by them, at less than their par value, and in case such bonds, or any of them, should be sold or used as aforesaid, at less than their par value, the endorsement, hereinbefore provided for, shall be absolutely null and void as to the bonds so sold or used. And the Comptroller General shall also

Proviso. be authorized and required to endorse upon other bonds of the said company to an amount not exceeding sixty thousand dollars, the like guarantee of the State, which said last mentioned bonds shall bear interest, and be payable in like manner as the bonds first above mentioned, but shall not be subject to the proviso hereinbefore contained as to the said first mentioned bonds. And from and after the first day of January, which will be in the year one thousand eight hundred and fifty-nine, whenever satisfactory evidence shall have been produced to the Comptroller General that thirty miles of the Spartanburg and Union Railroad are finished and in working order, and that the rest of the said railroad has been graded, bridged, and in all respects made ready for the superstructure, the Comptroller General shall be authorized and required to endorse on other bonds of the said company to an amount not exceeding one hundred

Endorse upon other bonds. and forty thousand dollars, the like guarantee of the State; which said last mentioned bonds shall bear interest, and be payable in like

Like guarantee of State. manner as the bonds first above mentioned, but shall not be subject

to the proviso hereinbefore contained as to the said first mentioned bonds.

II. That the said last mentioned bonds, to be endorsed as aforesaid, after the first day of January, one thousand eight hundred and fifty-nine, shall not be used by the said company for any other purpose than for procuring the iron rails, chairs, spikes and equipments for the said railroad, and for putting down the same, and the said bonds shall not be endorsed unless upon a resolution of the President and Directors of the company for the time being, pledging the said company that the same shall be used for the purpose of procuring the said iron rails, chairs, spikes and equipments, and putting down the said rails, and for no other purpose.

III. That so soon as any of the said bonds hereinbefore mentioned shall have been endorsed as aforesaid, and as they may thereafter be endorsed, they shall constitute a lien or mortgage upon the whole of the said railroad, including the road bed, right of way, grading, bridges, masonry and superstructure, upon all the stock subscribed for in said company, and upon the chartered rights and privileges thereof, and upon said iron rails, chairs, spikes and equipments, when purchased and delivered; and the State of South Carolina, upon the endorsement of the said bonds, and by virtue thereof, shall be invested with the said lien or mortgage, without any deed from the said company to secure the payment of the said bonds, and the interest thereon, by the said company, as the same shall become due. And the said lien or mortgage, besides the stock, right of way, grading, bridges, masonry, superstructure, iron rails, spikes, chairs, equipments, chartered rights and privileges, shall include all the property owned by the company, as incident to, or necessary for, its business. And after the Comptroller General shall have endorsed any of the bonds of the said company, as hereinbefore provided for, it shall not be lawful for the said company to give or grant to any person or persons whomsoever, or to any corporation whatsoever, any lien, mortgage or incumbrance of any kind, which shall have priority over, or come in conflict with, the lien of the State hereby secured; and every such lien, mortgage or incumbrance shall be null and void as against the said lien or mortgage of the State, and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against the said company.

IV. That the State expressly reserves the right to enact all such laws as may be deemed necessary to protect the interests of the State, and to secure it against any loss in consequence of the endorsements of bonds under the provisions of this Act, but in such manner as not to impair the just rights of the stockholders of the company.

A. D. 1857.

Endorsed.

Bonds.

State reserves
the right.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1857. AN ACT TO AMEND THE LAW IN RELATION TO TRADING WITH
 SLAVES.
 No. 4345.

Once convict-
ed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person who had been once convicted of dealing, trading or trafficking with a slave contrary to the Acts of the General Assembly now of force shall be a second time convicted of the like offence, such person (not being a white female) shall, for such second or other subsequent offence, in addition to the penalties now prescribed by law, be whipped not exceeding thirty-nine lashes: *Provided*, That the said punishment shall not extend to any conviction for an offence committed prior to the passing of this Act.

Permit.

II. That any free negro, or free person of color, who shall sell, give, or in any manner deliver liquor to a slave without a permit from the owner or person having charge of such slave shall, upon conviction, be whipped not more than fifty lashes.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4346. AN ACT TO AUTHORIZE THE UNITED STATES TO PURCHASE A SUFFICIENT QUANTITY OF LAND IN THE CITY OF COLUMBIA FOR THE ERECTION OF A POST OFFICE AND A COURT HOUSE.

Preamble.

Whereas by virtue of an Act passed at the Thirty-Third Session of the Congress of the United States the sum of fifty thousand dollars was therein appropriated for the purchase of a lot of land in the city of Columbia, and State of South Carolina, on which to erect a building or buildings, to be used as a post office and for other purposes, as the Government of the United States shall at any time order and direct.

Fifty thou-
sand.

And whereas, also, in order that the said sum of fifty thousand dollars may be so expended and applied for the better accommodation of the citizens of Columbia and other persons therein interested, it is necessary, before the said appropriation can be applied for the purpose aforesaid that such lot of land on which such building or buildings may be erected shall be exempt from all taxation either by the said State or city.

Fee simple.

Now, therefore, be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the United States, or such person or persons as may be by them authorized, shall have the right and authority to purchase the fee simple of a sufficient quantity of land in the city of Columbia on which to erect a post office and court house: *Provided*, That the said purchase does not exceed four acres;

and that all process, civil or criminal, issued under the authority of this State, or any officer thereof, shall and may be served and executed on any part of said land, and on any person or persons there being and implicated in matters of law: *And provided, always,* That the lands and buildings erected thereon shall be exempt from any tax to be paid to this State or to the city of Columbia.

A. D. 1857.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT TO ESTABLISH A RIFLE BATTALION IN THE PARISHES OF ST. PHILIP AND ST. MICHAEL. No. 4347.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the rifle battalion in the Parishes of St. Philip and St. Michael shall consist of not less than three nor more than six companies, and shall be known by the name and style of "The Battalion of Rifles." The said battalion shall be attached to the Fourth Brigade Infantry, and shall be commanded by a Major, and shall have the following staff, to wit: One Adjutant, one Quartermaster, (who shall also be Paymaster,) one Judge Advocate, each with the rank of First Lieutenant, one Surgeon, with the rank of Captain, and one Sergeant Major; and whenever the said battalion shall be reduced below the number of three companies it shall be dissolved, the commissions of the said officers vacated and the remaining companies shall be incorporated into the Sixteenth Regiment Infantry.

Battalion of Rifles.

II. The Major of the said battalion shall appoint and commission the staff officers hereafter to be appointed, (the commissioned staff subject to the approval of the Brigadier General of the Fourth Brigade Infantry,) and shall commission all officers of the said battalion hereafter elected.

Staff Officers.

III. The Major, or officer commanding the said battalion, shall order Courts Martial, which shall meet at least once every four months, and shall try all company officers, non-commissioned officers, musicians and privates of the said battalion for their default in any duty required by law: *Provided,* That no commissioned officer shall be tried by a Court Martial the presiding officer of which shall be of lower grade than Captain.

Courts Martial.

IV. That the Adjutant and Inspector General be, and is hereby, authorized and empowered to inspect and receive into the said battalion any new volunteer rifle company: *Provided,* That the num-

Adjutant empowered.

A. D. 1857. } ber of companies composing the said battalion shall not at any time exceed six.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4348. AN ACT TO INCREASE THE PENALTY FOR SETTING FIRE TO THE WOODS.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person who shall wilfully and maliciously set fire to or burn any grass, brush or other combustible matter so as thereby any woods, fields, fences or marshes of any other person or persons be set on fire, or cause the same to be done, or be thereunto aiding or assisting, shall, upon indictment and conviction thereof, be liable to fine and imprisonment, at the discretion of the court, and shall, moreover, be liable to the action of any person or persons who may have sustained damage thereby.

Set fire.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4349. AN ACT TO PROTECT THE OWNERS OF NEAT CATTLE.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all butchers and others purchasing cattle for sale in the city of Charleston, are hereby required, within forty-eight hours after each purchase of neat cattle shall have been made, to file with the Clerk of the Market in said city the number of cattle purchased, the marks appearing upon the same, and the names of the persons from whom said cattle have been purchased; and in every case of neglect or refusal to comply with the above requisition the party offending shall be liable to a penalty of twenty-five dollars, to be recovered by indictment; and the said Clerk, for receiving and

Purchasing
cattle.

filing each return, shall receive as compensation, from the person making such return, five cents.

A. D. 1857.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE TRUSTEES OF THE REIDVILLE HIGH SCHOOLS. No. 4350.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons hereinafter named, and their successors in office, be, and they are hereby, entitled and declared to be a body corporate, by the name and style of the Trustees of the Reidville High Schools, with all the powers and liabilities in law and equity pertaining and incident to bodies corporate; and, among others, that they be capable and liable, in law and equity, to sue and be sued, plead and be impleaded, to adopt and use a common seal, and to change the same at will, to make and, from time to time, to change or modify such rules and by-laws, not inconsistent with the Constitution and laws of this State, or with that of the United States, as they may deem necessary or expedient for the government and regulation of their own body, or of such schools, male and female, as they shall establish or take under their charge; to appoint, from time to time, such officers as they may deem proper for the organization of the corporation, and conducting its corporate business, and to elect or appoint such professors, tutors, instructors or other officers as they may desire for said schools, and that they may be capable of holding and managing in trust for said schools, such estate, real, personal and mixed, choses in action and other property, of whatever description, as may now belong to them, or as may hereafter be assigned or conveyed to them by will, deed or otherwise, or as may have vested or may vest in them.

Body corporate.

II. That the said Trustees be limited to thirty in number, all resident in this State, and free white male citizens thereof, of or over the age of twenty-one years; and that at least twenty, or two-thirds of their number, must be members in full communion in the Presbyterian Church in the United States of America, (that is to say, in the Presbyterian Church now in connection with the General Assembly, commonly known and denominated as the Old School General Assembly,) or its regular successor, having spiritual jurisdiction and cognizance for said church, according to its organization and polity, of the section of country in which said schools are located.

Trustees limited.

A. D. 1837.

Three classes.

III. That said Trustees be divided into three classes of ten each; the original members of the first of which classes shall serve until the first annual meeting, at or near Reidville, of the Trustees, ensuung the passage of this Act, (which annual meeting, at or near Reidville, with the times of succeeding annual meetings, the Board of Trustees is hereby authorized to fix and vary as they may deem expedient,) and until their successors shall be appointed by said Board; and the second class shall serve until the second annual meeting, and until their successors shall be appointed, as aforesaid; and the third class shall serve until the third annual meeting, and until their successors shall be appointed, as aforesaid. The successors of each class, respectively, shall serve for three years, and until their own successors shall be appointed, as aforesaid; and in case of any vacancy in either class, occurring from the resignation, removal from the State, death, removal from office, disqualification for office, or otherwise, the Board shall have power at any time to fill such vacancy by appointment, and the new incumbent shall serve out the residue of the time for which the Trustee, in whose place he has been substituted, would have been entitled to serve.

Foregoing conditions.

IV. That subject to the foregoing conditions, the following persons constitute the original Trustees, and who are hereby incorporated, and to whom this charter is hereby granted, that is to say: First Class: M. P. Wakefield, Dr. John C. Oeland, Dr. B. F. Kilgore, David Anderson, Mark Bennet, Hon. Gabriel Cannon, Rev. David Humphries, Robert Twitty, Gen. N. Nesbit. Second Class: S. N. Evins, Dr. A. L. Moore, Samuel C. Means, John Strobel, A. W. Wakefield, Hon. J. L. Orr, Rev. John B. Adger, D. D., Dr. Samuel Means, Hon. Chancellor Job Johnston, A. C. Jackson. Third Class: Gen. J. W. Miller, L. F. Anderson, John Anderson, Sr., W. P. Barry, William Hoy, Rev. Robert H. Reid, Rev. E. T. Buist, D. D., Rev. John Forrest, D. D., Robert H. Wardlaw, Col. James Farrow.

Not less than seven.

V. That not less than seven members of said Board, either of the original Trustees or of their successors, shall form a quorum at any meeting, for the transaction of business, but a less number may meet and continue by adjournment until a full quorum may be present.

Diplomas.

VI. That the said Board of Trustees have power to award diplomas, or other distinctions, to such pupils as may be graduated in their Female School.

Public Act.

VII. That this Act shall be deemed and taken to be a public Act, and shall continue of force for twenty-one years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1857.

AN ACT TO INCORPORATE THE PALMETTO SAVINGS INSTITUTION, No. 4351.
IN THE CITY OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joseph D. Aiken, Robert Leppy, Thomas Ryan, Andrew Cunningham, William Matthiesen, John F. O'Neill, Peter A. Aveille, Archibald McKenzie, John Dougherty, John W. Brownfield, Perry E. Chapman, James White, M. McBride, Lucius B. Northrop, William H. Holmes, Adolphus Cay, Edward Mottet, Peter J. Barbot, Theodore Huchet, Julius Fouche, M. P. O'Connor, James Beattie, Wm. N. Hamilton, Joel Stevens, D. Leckie, Wm. H. Hueston, Peter J. Sims, be, and they are hereby, created a corporation by the name and title of the "Palmetto Savings Institution," in the city of Charleston, and that they and such others as shall be duly elected members of said corporation, as in this Act provided, shall be a body politic and corporate, by the same name and title.

Corporators.

Name.

II. That the said corporation shall be capable of receiving on deposit from any and all persons disposed to obtain and enjoy the advantages of said institution, all sums of money that may be offered for that purpose: *Provided*, That no single depositor's account shall at any time exceed the sum of three thousand dollars; and it shall be lawful for the said corporation to use and improve the same for the purposes and according to the directions herein contained, and each depositor shall receive from the institution a book of deposit, in which shall be entered all sums deposited.

Deposit.

III. That the said corporation shall be required to invest all moneys received on deposit by them in State stock or bonds, city of Charleston stock or bonds, in the capital stock of any bank within the State, or loaned on promissory notes, secured by pledge of such stocks at not more than seventy-five per centum of their par value, or on bonds secured by mortgage of real estate, lying and being within the limits of the city of Charleston, to the exclusion of all other securities; and the income and profit thereof shall be applied and divided among the persons making the said deposits, or their legal representatives, after making such reasonable deductions as may be necessary for expenses, in proportion to the sums by them deposited, and to the length of time during which such deposits may have remained in the institution; and the principal of such deposits shall be repaid to each depositor at such times and under such regulations as the said corporation shall prescribe; and no officer or member of such corporation shall borrow any portion of such deposits, or use the same, except in payment of the expenses of the corporation.

Required to invest.

IV. That the said corporation shall have power to elect new members by ballot at such times as they may hold their semi-annual meetings, and any member, upon giving three months' notice in writing to the President, may, at any of the semi-annual meetings of the corporation, withdraw and forever dissolve his connection with the same.

Power to elect.

- A. D. 1857. }
Seal. } V. That the said society may have a common seal, which they may change and renew at pleasure, and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid; and the corporation shall at all times have power to sue and be sued, and may defend, and shall be held to answer by the name and title aforesaid.
- Hereafter meet. VI. That the said society shall hereafter meet at Charleston once a year, and as much oftener as they may deem expedient; and any seven members of the said corporation, the President, Vice President, Secretary or Treasurer being one, shall constitute a quorum; and the said corporation, at their annual meetings, shall have power to elect a President, Vice President, Secretary and Treasurer, and sixteen Trustees, all of which officers shall be sworn to the faithful performance of their duties, and shall hold their offices until others are chosen in their stead.
- Vested. VII. That the said corporation are hereby vested with the power of making by-laws and regulations for the more orderly managing the business of the corporation: *Provided*, The same are not repugnant to the Constitution and laws of this State.
- First meeting. VIII. That any three persons herein named may call the first meeting of the corporation, by advertising it in any one of the daily papers published in the city of Charleston.
- Bond. IX. That the Treasurer of said corporation shall give bond to the satisfaction of the Trustees for the faithful discharge of the duties of his office.
- Treasurer. X. That the Treasurer of said corporation shall, as soon as may be after each annual meeting, publish in one or more of the daily papers of the city of Charleston a statement of the concerns of said corporation, which statement shall specify the following particulars, namely: Number of depositors, total amount of deposits, amount invested in bank stock, amount invested in State or city stock, loans on mortgages of real estate, loans on notes secured by pledge of stock, amount of cash on hand, total dividends for the year, annual expenses of the institution; all of which shall be certified and sworn to or affirmed by the Treasurer; and five or more of the Trustees of said corporation shall also certify that the same is correct, according to the best of their knowledge and belief.
- Public Act. XI. That this Act shall be deemed a public Act, and shall continue in force for the term of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CONSTITUTION OF THE STATE SO THAT THE ELECTION DISTRICT OF CLAREMONT SHALL HEREAFTER BE KNOWN AND DESIGNATED BY THE NAME OF SUMTER, AND SO THAT THE ELECTION DISTRICT OF LIBERTY SHALL HEREAFTER BE KNOWN AND DESIGNATED BY THE NAME OF MARION.

A. D. 1857.
 No. 4352.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the election District declared and known in the Constitution by the name of Claremont, shall be hereafter known and recognized by the name of Sumter.

Sumter.

II. *Be it further enacted* by the authority aforesaid, That the election District declared and known in the Constitution by the name of "Liberty," shall be hereafter known and recognized by the name of "Marion."

Marion.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES, AND TO RENEW CERTAIN CHARTERS HERETOFORE GRANTED.

No. 4353.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public road be laid out in Williamsburg District, commencing at C. W. Cade's Depot, in Williamsburg District, thence by the nearest and best route to a public road leading from Kingstree *via* Sandy Grove Post Office to Lynehburg, in Sumter District, passing below the line of Blaney Johnson's land, and on the lands of the estate of H. J. Smith, and that Samuel A. Burgess, John J. McFaddin and Blaney Johnson be appointed Commissioners to lay out and establish said road.

Public Road.

II. That that portion of the public road in York District, from McConnel's Station to the Pinckney Ferry Road, which passes over the lands of John Gill, be so changed on said Gill's land as to conform to the road known as the "John Gill Road," and that so soon as the said road shall be opened and put in good travelling condition by the said Gill, and the same shall be approved by the Commissioners of Roads for York District, (the section of road established by the Special Commissioners under the Act of one thousand eight hundred and fifty-five over said Gill's land,) be closed.

Changed.

III. That a public road be laid out from Black Oak, in the Parish of St. John's Berkeley, to the Murray's Ferry Road, at Bonneau's Depot, on the North Eastern Railroad; and that Wm. F. Ravenel,

Black Oak.

A. D. 1857. Peter P. Bonneau and A. J. Harvey be appointed Special Commissioners to lay out said road.

Leading.

IV. That the road leading from the southern line of Mr. Cain's plantation, known as the Congaree Road, leading *via* Somerset to Monk's Corner, be closed, and that a new road be laid out and established, to commence at a point on the Congaree Road just below Somerset, running by Pinopolis and Mr. Coleman's to the Monk's Corner Depot, and from thence until it intersects the public road below Monk's Corner; and that John S. White, Henry F. Porcher and Wm. Henry Cain be appointed Commissioners to lay out said road.

Laid out.

V. That a public road be laid out in York District, commencing at the North Carolina line, at or near the residence of C. A. Parker, to the Cherokee Road near Broad River, and that Wm. C. Black, S. H. Anthony and Johnson Goforth be appointed special Commissioners to lay out and open said road.

Barksdale Ferry.

VI. That Barksdale Ferry, in Abbeville District, be re-chartered for the space of one year, and that the same be vested in Frances Mathison, her heirs and assigns, with the same rates of toll as now allowed by law.

Britton's Ferry.

VII. That Britton's Ferry, across the Great Pee Dee, be re-chartered for the space of seven years, and the same vested in Mary A. Eaddy, her heirs and assigns, with the same rates of toll as now allowed by law.

Hemmingway's Ferry.

VIII. That Hemmingway's Ferry, across Waccamaw River, be re-chartered for seven years, and the same be vested in R. G. W. Grissett, as executor of Thomas Hemmingway, with the same rates of toll as now allowed by law.

Commissioners.

IX. That E. J. Porter, W. F. Erwin, W. W. Ward and Isaac Nelson be appointed Commissioners of Streets of the village of Kingstree, with the powers now exercised by the Commissioners of Roads, and that they have exclusive jurisdiction of the streets in said village.

Bridge.

X. That the bridge across Little River, in Abbeville District, be chartered for the space of seven years, and that the same be vested in M. A. Petigru, her heirs and assigns, with the same rates of toll as formerly allowed to ferry granted to John Mathison across the same river.

Public highway.

XI. That that portion of the public highway, in St. Matthew's Parish, leading from Haig's Landing, on Santee River, to Rast's Ford on Four Hole Swamp, lying between Haig's Landing and the McCord's Ferry Road, be closed as a public highway.

Board of Commissioners.

XII. That the Board of Commissioners of Main Roads for the Parishes of St. Philip and St. Michael be, and the same are hereby, authorized, at their discretion, to change the location of the State Road, in the said Parishes, so that the said road shall cross the Northeastern Railroad at some point between the present point of intersection and the city of Charleston, in a manner most to the advantage, convenience and safety of the public: *Provided*, That if the location be changed within the limits of the city of Charleston, the consent of the City Council be first obtained thereto.

Disagreement.

XIII. That in case of disagreement between the said Commissioners of Roads and the owners of the land, respectively, through

which the road passes, two Commissioners shall be appointed by the said Board, and two by the owners of the land, respectively, over which the road passes, and in case of disagreement, with power to the parties so appointed to select an umpire, whose duty it shall be to assess the actual value of the land so taken for the public use, and the amount so assessed shall, if necessary, be levied and paid by the said Commissioners of Roads, by assessment on the general tax not exceeding ten per cent. : *Provided*, That either party may appeal from the judgment of the Commissioners to a jury, in the same manner as is now provided in the charters of railroad companies, where land is taken for the uses of such railroads.

A. D. 1857.

}

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS. No. 4354.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Jacob Bond P'On, James Adger, James L. Pettigru, Henry A. DeSaussure, James K. Robinson, Robert Adger, Lewis M. Hatch, George Mansfield, Samuel S. Farrar and Hugh R. Banks, and their associates and successors, be, and are hereby, created a body politic and corporate, by the name of the "Sullivan's Island Steamboat Company," for the purpose of carrying passengers and transporting goods, wares and merchandise, by steamboats, between the city of Charleston and Sullivan's Island, and between said city and any other place or places in this State, with a capital of twenty thousand dollars, to be held in shares of one hundred dollars, with liberty to increase said capital to forty thousand dollars at their discretion.

Name.

II. That the said corporation may purchase and hold, sell and alien, in fee simple or for any less estate, lands, tenements, hereditaments, goods, chattels, rights and credits as may be required by the said corporation, which may be connected with, or in any manner conducive to the purpose for which said company is established; and may sue and be sued in all the courts of law and equity; may have and use a common seal, and make such by-laws for their regulation and government as they may see proper: *Provided*, Such by-laws are not inconsistent with the Constitution of this State or of the United States.

Fee simple.

III. That the said company shall have such and such number of officers, with such powers as shall be ordained and chosen according to the by-laws to be made for their government and regulation;

Powers.

A. D. 1857.

and that in all elections and meetings of the corporation, each shareholder shall be entitled to as many votes as he or she shall hold shares, one vote for every share; and shareholders absent from any election or meeting shall be entitled to vote by proxy, but none but a shareholder shall be allowed to act as proxy.

Public ferry.

IV. That a public ferry be established between the city of Charleston and Sullivan's Island, with such rate of ferrriage as now allowed in the charter of Milton Ferry, and that said charter be vested in the Sullivan's Island Steamboat Company, hereby chartered for fourteen years from the passage of this Act: *Provided*, That nothing herein contained shall be construed to prevent the grant of any other charter for any other ferry between the said places, from any point in the city of Charleston, not in the immediate vicinity of the wharf which may be used as a landing by the company hereby incorporated and chartered.

Charter.

V. That the charter of the "South Carolina Manufacturing Company," in Spartauburg District, be, and the same is hereby, revived and extended for the term of twenty-one years, with all the rights, powers and privileges heretofore granted; and all acts done by the said corporation since the expiration of its charter, are hereby declared as legal and valid, to all intents and purposes, as if said charter had not expired.

Vaucluse Manufacturing Company.

VI. That the charter of the "Vaucluse Manufacturing Company" be, and the same is hereby, revived and extended for the term of twenty-one years, with all the rights, powers and privileges heretofore granted, together with the additional right to increase their capital stock to three hundred thousand dollars.

Palmetto Building and Loan Association.

VII. That the charter of the "Palmetto Loan and Building Association" be, and the same is hereby, so amended that the said corporation shall, in addition to the powers now possessed of making loans and advances on the security of real estate, be authorized and empowered to make such loans and advances on the security of personal property.

Hope Engine Company.

VIII. That the charter of "The Hope Fire Engine Company" be, and the same is hereby, renewed and extended for the term of twenty-one years, with all the rights, powers and privileges heretofore granted to said company.

Eagle Engine Company.

IX. That the charter of the "Eagle Fire Engine Company" be, and the same is hereby, revived and extended for the term of twenty-one years, with all the rights, powers and privileges heretofore granted, and that all acts done by the said company since the expiration of its charter are declared as legal and valid, to all intents and purposes, as if its charter had not expired.

Ætna Engine Company.

X. That the charter of the "Ætna Fire Engine Company" be, and the same is hereby, renewed and extended for the term of twenty-one years, with all the rights, powers and privileges now vested by law in the "Eagle Fire Engine Company of Charleston."

Charleston Quadrille Association.

XI. That all persons who now are, or may hereafter become, members of an Association in Charleston known as "The Charleston Quadrille Association," be, and they are hereby, declared a body politic and corporate, for the term of fourteen years, by the name and style of "The Charleston Quadrille Association," with all the rights, powers and privileges incident to such corporations,

and with the power to purchase, hold and convey property to an amount not exceeding ten thousand dollars.

XII. That the charter of "The Cheraw and Anson Plank Road Company" be, and the same is hereby, so altered and amended as that the said company shall have power to repair their road by the use of stone, sand, gravel or other like material, instead of being confined to the use of plank, timber or other like material as is now required by law.

A. D. 1857.

Cheraw and
Anson Plank
Road Compa-
ny.

XIII. That the Charleston Gas Light Company be, and the same is hereby, authorized and empowered to increase its capital stock to the sum of one million of dollars, and shall, with such increase of capital to the sum of one million of dollars, be also invested with all the rights, powers and franchises heretofore vested in the Carolina Gas Company, and that the said Charleston Gas Light Company, with such capital, rights, powers and franchises as aforesaid, shall have an extension of its charter, and the same is hereby incorporated for the term of fourteen years from the expiration of the present charter of the said Charleston Gas Light Company: *Provided*, That the said company shall not charge more than four dollars per thousand feet for gas.

Charleston
Gas Light
Company.

XIV. That the Charleston Insurance and Trust Company be, and are hereby, authorized and empowered to reduce their capital stock from five hundred thousand dollars to three hundred thousand dollars; and that the President and Directors of the said company be, and are hereby, authorized and empowered, in reducing the capital stock thereof as hereinbefore provided, to refund to the stockholders the sum of twenty dollars per share in six per cent. stock of the State of South Carolina, or of the city of Charleston, at their par value, or the equivalent thereof.

Charleston
Insurance and
Trust Compa-
ny.

XV. That the charter of the Veru Zobre Bank Company be, and the same is hereby, so altered and amended as that the said corporation shall be authorized to record the act of association of said company at any time within two years after the same may be executed: *Provided*, That the rights of any person acquiring any title or interest in the lands charged by such act before the same shall have been recorded shall not be prejudiced or affected thereby, anything in the said charter to the contrary hereof notwithstanding.

Veru Zobre
Bank Compa-
ny.

XVI. That Thomas Bennett Lucas, James B. Campbell, the executors of the late J. Charles Blum, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, with all the rights, powers and privileges incident thereto, by the name and style of "The Cannonsboro' Wharf and Mill Company," with a present capital of one hundred and fifty thousand dollars, to be divided into shares of one thousand dollars each.

Executors.

XVII. The said company shall have power to make by-laws not repugnant to the laws of the land, and, according thereto, may have succession of officers and members, and have and use a common seal, and the same alter at will; may sue and be sued in any Court in this State; may hold, possess and enjoy such property, real and personal, as it may now possess or be entitled to, or which shall hereafter be in any manner acquired by it, and the same sell, alien and transfer, or any part thereof.

Power.

A. D. 1857.

Granted.

XVIII. That the charter hereby granted shall continue for fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4355. AN ACT TO INCORPORATE THE "EDISTO LUMBER AND TIMBER POND COMPANY."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John R. Milhouse, John S. Jennings, Barnet Levingston, Philip Kitchens, George D. Keitt, John H. Felder, and their associates and successors, be, and are hereby, created a body politic and corporate, under the name and style of the "Edisto Lumber and Timber Pond Company," for the purpose of conducting the business of receiving in the pond now owned or hereafter to be procured by them, near the city of Charleston, all lumber and timber that may be brought there for sale, to the extent of the means of said company, for receiving and keeping, and to charge therefor such rates as the company may determine upon.

II. That said company shall have and keep a common seal, and the same to alter at pleasure, and by their corporate name sue or be sued, implead or be impleaded, in any of the courts of this State.

III. That the capital stock of said company shall be ten thousand dollars, in shares of two hundred and fifty dollars each, and they shall have the right to increase the same to twenty thousand dollars.

IV. That said company shall have the right and authority to make all necessary purchases of lands, or water lots, or water privileges, houses, or other real or personal estate, for the purpose of conducting their said business.

V. That the officers of said company shall consist of a President, four Directors, and a Secretary and Treasurer, who shall be removed by the majority of the stockholders at pleasure.

VI. That said company shall have power to make rules and regulations and by-laws (not inconsistent with the laws of the land) for their government, and the same to alter and revoke at pleasure.

VII. That this Act continue and be of force for the space of twenty years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT FOR THE SUSPENSION OF CERTAIN SECTIONS OF CERTAIN ACTS, AND FOR OTHER PURPOSES.

A. D. 1857.

No. 4356.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the operation of the second Section of an Act entitled "An Act to provide against the suspension of specie payments by the Banks of this State," ratified on the 18th day of December, eighteen hundred and forty, be, and the same is hereby, suspended until the first day of January, eighteen hundred and fifty-nine, on the express condition that no execution issued upon judgments already obtained, or hereafter to be obtained, by any of the non-specie-paying banks, shall be enforced until such bank shall resume specie payments: *Provided, nevertheless*, That each debtor, against whom the banks obtained judgment and issued execution thereon, shall pay to the banks to whom they may be so indebted, interest upon the whole amount of the judgment, recovered at the expiration of every sixty days from the passage of this Act, at the rate of seven per cent. per annum; and any debtor neglecting or refusing so to do shall be deprived of the benefits of this Act: *Provided*, That if the property of the debtor be sold under an execution or executions of other creditors, the execution of the bank shall be entitled to the same lien and payment as now provided by law.

Suspended.

Proviso.

Proviso.

II. That the operation of the 5th Section of an Act entitled "An Act to re-charter the Planters' and Mechanics' Bank of South Carolina, the Union Bank of South Carolina, the Commercial Bank of Columbia, South Carolina, and to incorporate the Exchange Bank of Columbia, the Farmers' and Exchange Bank, and the Peoples' Bank of Charleston, the Bank of Newberry, the Bank of Chester, the Bank of Sumterville, the Planters' Bank of Fairfield, and the Western Bank of South Carolina, at Anderson," ratified on the sixteenth day of December, one thousand eight hundred and fifty-two; and all clauses and Sections of Acts re-enacting the provision of the said Section, and applying the provisions thereof to all or any of the banks of this State, incorporated since the aforesaid Act, be, and the same is hereby, suspended until the first day of January, eighteen hundred and fifty-nine.

Operation.

III. That from and after the first day of January, A. D. in the year of our Lord one thousand eight hundred and sixty, if the bank notes issued by any bank, and in circulation or out of possession of the bank, shall at any time exceed, for more than thirty successive days, three times the amount of gold and silver coin and bullion in possession of the bank, as its own property and at its banking house, such bank shall forfeit five hundred dollars for each and every successive day during which such excess shall continue, to be recovered by action of debt at the suit of the State; and in order that such excess, when it exists, may be apparent, it shall be the duty of the President and Cashier of every bank of issue, on Monday of every week, to transmit to the Comptroller General an account of the amount of bank notes of such bank in circulation, or out of possession of the bank, on each and every day during the week ending on the next preceding Saturday; and, also, an account of the amount of gold and silver coin and bullion in the possession of the bank as

Bank notes issued.

A. D. 1857.

Perjury.

its own property and at its own banking house on each and every day of the same week ; which account shall be certified by the oath of the President and Cashier, taken before and certified by any Magistrate duly authorized to administer oaths ; and any person swearing falsely to any such account shall be deemed guilty of perjury, and shall be subject to the pains and penalties thereof ; and the Comptroller General shall, at least once in every month, collect the accounts of the daily state of their circulation and specie rendered by the several banks of issue, in conformity herewith, and publish the same, so collected, in some newspaper, in the following form :

Daily State of Circulation and Specie of Banks of Issue in South Carolina, from the day of to the day of , eighteen hundred and

NAME OF BANK.		NAME OF BANK.		NAME OF BANK.		
Date.	Circulation.	Specie.	Circulation.	Specie.	Circulation.	Specie.

Neglect to transmit.

And any bank, the officers whereof shall neglect to transmit to the Comptroller General any such account as aforesaid shall forfeit one hundred dollars for each and every day during which the same shall be neglected, to be recovered by action of debt at the suit of the State.

Duty.

IV. It shall be the duty of the Comptroller General, whenever it appears that any bank, or any officer of a bank, has incurred any forfeiture imposed and declared by this Act for any violation thereof, to cause suit to be brought against such bank or officer by the Attorney General or the Solicitor of the Circuit in which such bank is situated for the recovery of the same. And in case he shall at any time have cause to suspect that a false or incorrect account has been rendered to him by any bank he shall have authority, and it shall be his duty, to make a personal examination of the books of such bank in order to ascertain the truth ; and any officer of a bank who shall refuse to submit the books of said bank to the Comptroller General for such examination shall be deemed guilty of a misdemeanor, and be subject to fine and imprisonment at the discretion of the court.

No bank shall issue.

V. That from and after the said first day of January, eighteen hundred and sixty, no bank shall issue or put into circulation any note of a less denomination than ten dollars ; and any bank issuing or putting into circulation any note of a less denomination than ten dollars shall forfeit one hundred dollars for every note so issued, to be recovered by action of debt, at the suit of the State, which the Comptroller General shall cause to be brought by the proper officer of the State.

Purposes.

VI. For the purposes of this Act the words "bank note" shall be understood to include all bills, notes, checks, or other obligations of any bank, made payable to bearer on demand, or in any form of words whatsoever written, printed or engraved, so as to be circulated and used as paper money or currency ; and the words "banks

of issue" shall be understood to include every bank having lawful authority to issue its own bank notes.

A. D. 1857.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.

JAMES SIMONS, Speaker House of Representatives.



AN ACT TO AUTHORIZE THE ISSUE OF BONDS OR STOCK FOR THE PURPOSE OF CONTINUING THE CONSTRUCTION OF THE NEW STATE HOUSE. No. 4357.


I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor be, and the same is hereby, authorized and required to issue, in the name of the State, bonds or stocks, to be countersigned by the Comptroller General, for the amount of three hundred thousand dollars, bearing interest at the rate of six per centum per annum, payable semi-annually, at the Treasury of the State, and redeemable thereat at the expiration of thirty years from the date thereof. Governor authorized and required.

II. That the faith of the State be, and is hereby, pledged for the punctual payment of the interest on said bonds or stock, and for the redemption of the principal of the same when it shall become due. Hereby pledged.

III. That all money arising from the sale of said bonds or stock shall be placed in the Treasury to the credit of the fund for erecting the New State House, subject to the draft of the Commissioner charged with the erection of the New State House, countersigned by the Comptroller General. Bonds or stock.

IV. That the Bank of the State of South Carolina be, and is hereby, appointed the agent of the State for the sale of said bonds or stock, and is authorized to sell the same at the market value; and the said bank shall furnish the means to prosecute the work of erecting the New State House until the said bonds or stocks have been sold, and the proceeds thereof deposited in the Treasury, subject to the draft of the Commissioner aforesaid. Bank of the State.

V. That His Excellency the Governor be, and he is hereby, authorized to receive from the agent, for the sale of the State bonds, all or any part of the bonds issued in pursuance of an Act of the General Assembly of this State, ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, and to cancel the same; and to issue in lieu thereof, in the name of the State, stock countersigned by the Comptroller General, bearing interest at the rate of six per centum per annum, payable semi-annually at the Treasury of the State, and redeemable thereat on the first day of January, in the year of our Lord one All or any.

A. D. 1857.  thousand eight hundred and eighty-one, for an amount equal to the amount of the bonds so received and cancelled.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4358. AN ACT TO PUNISH WILFUL NEGLIGENCE OR MISCONDUCT BY RAILROAD CONDUCTORS AND ENGINEERS.

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

Wilfully neglect. Proviso.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4359. AN ACT TO INCORPORATE THE SOUTH CAROLINA COPPER COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That B. J. Johnson, Wade Hampton, Jr., F. W. McMaster and Oscar M. Lieber, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "South Carolina Copper Company," for the purpose of exploring for copper and other ores, minerals and metals, and for mining, working, smelting, manufacturing and vending the same; and by that name may sue and be sued, plead and be impleaded, appear,

South Carolina Copper Company.

prosecute and defend in any courts of equity or law whatsoever in all suits and actions; may have a common seal, and the same may alter at pleasure, and may purchase, hold or convey real estate, and enjoy and have all the privileges incident to corporations.

A. D. 1857.

II. That the first meeting of said corporation may be called by the persons named in this Act, at such time and place as may be agreed upon by the persons named in this Act; and at said meeting, and at all other meetings legally notified, said corporation may make, alter and amend or repeal such by-laws and regulations, for the management of the business of said corporation, as a majority of the stockholders may direct, not repugnant to the laws of this State or the United States.

First meeting.

III. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall, from time to time, deem expedient; and the said corporation may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws may direct.

Divide.

IV. That the Directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence, and the number of shares of stock held by each respectively, and the time when they became, respectively, the owners of said shares, and the amounts of stock actually paid in; which book shall, during the business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

Directors.

V. That the members of the said corporation shall be jointly and severally liable for all debts and contracts made by the said corporation, until twenty-five thousand dollars of capital shall have been paid in, no part of which shall be thereafter withdrawn, or in any manner diverted from the objects of the company herein expressed; and the said corporation shall not contract debts at any time to an amount greater than the amount of capital stock actually paid in.

Liability.

VI. That this Act shall be and continue for the term of twenty-one years.

Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT FOR THE RELIEF OF PROSECUTORS AND WITNESSES IN CRIMINAL CASES NOT CAPITAL. No. 4360.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter when any prosecutor, resident in the Judicial

Prosecutor.

A. D. 1857. District where the prosecution is instituted, in criminal cases less than capital, shall have been committed to jail by reason of his or her inability to give surety on his or her recognizance to prosecute, the Clerk of the Court of Common Pleas and General Sessions of such District shall have power to discharge such prosecutor on his or her own recognizance, upon being satisfied of his or her inability to give such surety.

Criminal case. II. That whenever any witness in a criminal case less than capital shall have been committed to jail by reason of the like inability to give surety on a recognizance to testify, the Clerk of the Court shall have the like power to discharge such witness on his or her own recognizance.

Failing. III. That the prosecutors or witnesses failing to appear under such recognizance shall be deemed guilty of a misdemeanor, and the Attorney General and Solicitors are hereby authorized to order warrants to issue against such offenders, without affidavit or bond to prosecute.

Entitled. IV. That the Clerks of the Courts shall be entitled to one dollar costs for each recognizance taken under this Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4361. AN ACT TO PROVIDE FOR THE SALE OF CERTAIN LANDS BELONGING TO THE STATE.

Surveyed. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Surveyor General cause to be surveyed a tract of land belonging to the State, between Rocky Mount and the Catawba River, in Fairfield District, and that when such survey shall have been made, the Solicitor of the Northern Circuit do cause to be exposed to sale at Winnsboro, after giving notice in the newspapers of Fairfield, Chester and Lancaster, on some sale day, said tract of land, on the following terms: A credit of one, two and three years, with interest from day of sale, the purchaser to give bond to the State, with two or more approved sureties, to secure the payment of the purchase money.

Tract of land. Solicitor. II. That the Solicitor of the Northern Circuit do sell, at the same time and place, and on the same terms, the Island in Catawba River, known as Glaze's Island, and that he be, and is hereby, authorized to execute, in behalf of the State, the necessary conveyances to the purchasers.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE COLUMBIA ICE COMPANY.

A. D. 1857.

No. 4362.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Isaac D. Mordecai, Thomas S. Piggott and William B. Johnson, with such other persons as may hereafter be associated with them, be, and they are hereby, declared a body politic and corporate, by the name and style of the "Columbia Ice Company," with a capital of ten thousand dollars, in shares of twenty-five dollars each, with the privilege of increasing the same to twenty-five thousand dollars; the said shares to be paid in, held, transferred, assigned and pledged, in such manner as the regulation and by-laws of the said corporation prescribe.

Columbia Ice Company.

II. That the said company shall have power and authority to make any such rules and by-laws as are not repugnant to the Constitution and laws of the State; shall have such succession of officers and members as shall be ordained and chosen according to the rules and by-laws, made or to be made for their government; shall have and keep a common seal, and the same at will to alter; shall sue and be sued, plead and be impleaded, in any court of law or equity in this State, and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies.

Power.

III. This Act shall be deemed a public Act, and shall continue and be of force for the term of fourteen years.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF BARNWELL. No. 4363.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all and every person or persons who may have resided within the corporate limits of the town of Barnwell for one year, or who may own a freehold therein, and their successors, are hereby declared to be members of the corporation hereby intended to be created.

Passing of this Act.

II. That the said persons and their successors shall, from and after the passing of this Act, become a body politic and corporate, and shall be known and called by the name of the Town of Barnwell, and its corporate limits shall extend as heretofore.

Name.

III. That the said town shall be governed by an Intendant and four Wardens, who shall be persons that actually reside within the limits of the corporation, shall so reside for at least twelve months immediately preceding their election, and who shall own a freehold

Governed.

A. D. 1857.

therein. The said Intendant and Wardens shall be elected on the second Monday of September in each year, ten days' notice being previously given, and shall continue in office for one year, and until the election and qualification of their successors. And all free white male inhabitants of the said town, excepting all persons receiving their support, or any part of their support and maintenance, from the Commissioners of the Poor, who shall have attained the age of twenty-one years, and resided therein one year immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Election.

IV. That said election shall be held in some convenient public place in said town, from ten o'clock in the morning until three o'clock in the evening, and when the polls shall be closed, the managers shall forthwith count the votes and declare the election, giving notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall always appoint three managers to conduct the election, who, before they open the polls for said election, shall take an oath fairly and impartially to conduct the same. And the Intendant and Wardens, before entering upon the duties of their offices, shall respectively take the oath prescribed by the Constitution of the State, and, also, the following oath, to wit: "As Intendant (or Warden) of the town of Barnwell, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been appointed—*So help me God.*" And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Town Council the sum of twenty dollars, for the use of said town: *Provided*, That no person who has attained the age of sixty years shall be compelled to serve in either of said offices, nor shall any other person be compelled to serve more than one year in any term of three years.

Oath.

Vacancy.

V. That in case a vacancy should occur in the office of Intendant or any of the Wardens by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Intendant and Warden, or Wardens, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Intendant, the Wardens forming a Council shall be empowered to elect one of the Wardens to act as Intendant during the time.

Vested.

VI. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively be vested with all the power of Magistrates in this State within the limits of said town, except for the trial of small and mean causes. And the Intendant shall and may, as often as necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, or any three Wardens, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Barnwell; and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their Ordinances; may sue and be sued, plead and be impleaded, in any court of law or equity in this State, and purchase, hold, possess and enjoy, to them and their successors, in perpetuity, or for any term

of years, any estate, real, personal or mixed, and sell, alien and convey the same, provided the same shall not exceed, at any one time, the sum of ten thousand dollars. And the said Intendant and Wardens shall have full power to make and establish all such rules, by-laws and Ordinances respecting the roads, streets, market and police of said town, as shall appear to them necessary and requisite for the security, welfare and convenience of the said town, or for preserving health, peace, order and good government within the same. And the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of the said corporation: *Provided*, That no fine shall exceed fifty dollars for any one offence; and whenever any free white person shall be charged with an offence, for which a fine of more than twenty dollars is ordained, the said charge shall be heard and determined in an action of debt by summary process, to be brought in the name of the said Town Council, for the recovery of said fine, in the Court of Common Pleas for Barnwell District; and if the fine ordained be not more than twenty dollars, the said Town Council, or a quorum thereof, shall have power to hear and determine the said charge, and render judgment therein. In all cases of trials to be had before the said Town Council, as hereinbefore provided, the party charged shall be cited by a service upon him of a summons, under the hand of the Intendant, any one of the Wardens, or the Clerk of Council, wherein shall be expressed, with certainty, the offence charged, and the time and place of trial, which service shall be made at least five days before the day of trial.

A. D. 1857.

Proviso.

VII. That all fines imposed by the said Town Council for any violation of Ordinances, or any default in the performance of patrol or street duty, shall be collected by a *feri facias*, or if that be returned *nulla bona*, by a *capias ad satisfaciendum*, issued under the seal of the corporation, and directed to the Marshal of the town, or the Sheriff of Barnwell District, which, if not paid, may be discharged by schedule and assignment, according to the provisions of the Prison Bounds Act, after giving ten days' notice to the said Intendant and Wardens. And the said Town Council shall have power to procure and compel the attendance of witnesses, by process similar to that which, by law, Magistrates may use in the trial of small and mean causes.

Fines imposed

VIII. That the said Town Council shall have power to prevent the violation of its Ordinances by slaves and free persons of color, by ordaining as to such slaves and free persons of color any suitable punishment, not extending to life or member; and all slaves and free persons of color charged with offences against the Ordinances of the said town, shall be tried by the said Town Council, or a quorum thereof, and the judgments and sentences rendered and passed in such trials shall be executed by the Marshal of said town, and the modes of conducting such trials shall be prescribed by the said Town Council, by Ordinances for that purpose.

Power to prevent.

IX. That the Intendant and Wardens of said town shall have full and only power to grant or refuse licenses to keep taverns or retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same conditions as

Intendant and Wardens.

A. D. 1857.

they now are, or may hereafter be, under the laws of this State, except that the Town Council shall have the power to regulate the price of licenses to keep taverns or retail spirituous liquors: *Provided*, That in no instance the price of a license so to keep tavern or retail spirituous liquors, shall be fixed at a less sum than is established by the laws of this State. And all the powers vested in the Commissioners of Roads are hereby granted to the said Intendant and Wardens within the said limits. And all moneys paid for licenses, and for fines and forfeitures, for retailing spirituous liquors, keeping tavern and billiard tables within the said limits, without licenses, shall be appropriated to the public uses of said corporation: *Provided*, That the Intendant and Wardens, duly elected and qualified, shall not have power to grant any license to keep taverns or retail spirituous liquors to extend beyond the term for which they shall have been elected.

Duty.

X. That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and ways, within their corporate limits, open and in good repair, and for that purpose they are invested with all the powers granted to the Commissioners of Roads. And they shall have power to compound with all persons liable to work the streets, ways and roads, in said town, upon such terms as they shall by Ordinance establish, the moneys so received to be applied to the public use of the said corporation, and all persons refusing or failing to pay such commutation shall be liable to such fine, not exceeding twenty dollars, as the said Town Council may impose, to be collected by writ of *feri facias* or *capias ad satisfaciendum*, as hereinbefore provided for; and if, after exhausting the power of such writ, the said fine shall not be recovered, the party in default may be imprisoned, by order of the Town Council, in the common jail of the District, for any time not exceeding six days. And no person residing within the said limits shall be liable to work on any road or bridge without the same, or be taxed or assessed therefor.

Town Council

XI. That the said Town Council shall have power to impose an annual tax upon the keepers of billiard tables and ten pin alleys, or any other pin alleys, within the discretion of said Council, and to grant or refuse licenses for the same upon such terms and conditions, and subject to such regulations as they may by Ordinance establish. They shall also have power to impose a tax, within their discretion, on all sales made by itinerant traders and auctioneers, on all public drays, wagons, carriages, omnibuses, and other vehicles kept for hire, and on the owners or possessors of all dogs kept within the corporate limits of said town. The said Town Council shall have power to impose an annual tax on the amount of all sales of goods, wares and merchandise, and also on the amount of income arising from all factorage and employments, faculties and professions, including the profession of dentistry, also upon the amount of income from all moneys loaned at interest: *Provided*, That no tax shall be imposed in any one year to exceed the rate of ten cents on each hundred dollars of the value of such sales and income. And the said Town Council shall also have power to impose an annual tax on all slaves, not exceeding thirty-seven-and-a-half cents per head, and on all free negroes not exceeding two dollars per head, within the limits of said town, and upon all persons who shall open any room or car for the

Proviso.

A. D. 1857.

purpose of taking daguerreotype, or other likenesses, within the corporate limits of said town. And the said Town Council shall have power to impose an annual tax, not exceeding ten cents, on every hundred dollars of the value of all real estate lying within the corporate limits of said town, the real estate of churches and school associations excepted, and for that purpose they shall appoint three free-holders, resident therein, to assess the value of said real estate upon oath, and return the assessment within one month to said Council for taxation, and to fill any vacancy occasioned by the death, resignation, refusal to serve, or removal from office of the said Assessors; and any person who shall refuse to act as Assessor, upon being appointed by the Council, may be fined any sum not exceeding twenty dollars. And the said Council shall have power to regulate the price of licenses upon all public shows and exhibitions in said town. And the said Town Council shall have power to enforce the payment of all taxes and assessments, levied under the authority of this Act, against the property and persons of defaulters, to the same extent and in the same manner as is provided by law for the collection of the general State tax, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the town Marshal, or other person especially appointed by the said Town Council to collect the same; and all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof in preference to other debts due by the person owning such property at the time of the assessment, except debts due the State, which shall be first paid.

Exhibitions.

XII. That returns shall be made, on oath, to the Clerk of the Town Council during the month of January, in each year, of the amounts of all sales of merchandise, professional, or other income, and of the quantity and kind of all other property than real estate subject to taxation under the provisions of this Act, by the persons who may be liable to pay the taxes on the same, and the said taxes shall be paid on or before the first day of March then next ensuing; upon failure whereof, any party in default shall be subject to the penalties now provided by law for failure to pay the general State tax.

Returns.

XIII. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways, within the said town, as they may deem necessary, by sale of the freehold therein, either at private or public sale, as they may adjudge best for the interest of said town; and they shall also have power to lay out, adopt, open and keep in repair all such new streets, roads and ways as they may from time to time deem important or necessary for the improvement and convenience of said town: *Provided*, That no new street, road or way shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street or way may pass.

Power.

Proviso.

XIV. That the said Town Council shall have power and are hereby authorized to elect one or more Marshals, to fix their salaries and prescribe their duties, who shall be duly sworn in and invested with all the powers and subjected to all the duties and liabilities that Constables now have or are subject to by law, in

Authorized.

A. D. 1857.

addition to the duties and liabilities specially conferred and imposed on them by the Town Council: *Provided*, That their jurisdiction shall be confined to the corporate limits of said town.

Establish.

XV. That the said Town Council shall have power to establish a guard house, and to prescribe, by Ordinance, suitable rules and regulations for keeping and governing the same; and, until such guard house shall be established, they shall be authorized to use a room in the common jail of Barnwell District for the confinement of all persons who may be subject to be committed for the violation of any Ordinance of the town passed in conformity to the provisions of this Act. And the said Town Council may, by Ordinance, or the said Intendant and Wardens in person, any one or more of them, authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and to commit to the said guard house or jail of Barnwell District, as the case may be, for a term not exceeding twenty-four hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of said town, or any of them. And it shall be the duty of the Town Marshals to arrest and commit all such offenders, when required so to do, who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and upon the failure of said Marshals to perform such duty as required, they shall severally be subject to such fines and penalties as the Town Council may establish. And all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided by this Act for the collection of fines imposed for the violation of Ordinances: *Provided*, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence for which he may have been committed.

Proviso.

XVI. That the power and duty of organizing, superintending and regulating the patrol within the limits of said town, be, and the same are hereby, transferred to, vested in, and devolved upon the said Town Council, who are hereby empowered to make all such Ordinances, rules and regulations relative to the time and manner of performing patrol duty within the said limits, and to impose such fines and penalties for violation thereof, as they may deem necessary to preserve the peace, good order and safety of the inhabitants of said town: *Provided*, That no Ordinance shall diminish the quantity of patrol duty which now is, or may hereafter be, required by law: *And provided, further*, That the said Town Council shall have power to compound with persons liable to patrol duty, by receiving from them annually a sum of money, in their discretion, in lieu of the performance of such duty; the said money, together with other moneys collected by authority of the provisions of this Act, and the Ordinances passed in conformity thereto, from whatever source said moneys may arise, to be paid into the Treasury of said town for the use of the corporation.

Patrol.

Taxes.

XVII. That the said Town Council shall have power to collect the taxes from all persons representing publicly, within their cor-

porate limits, for gain or reward, any plays or shows, of what nature or kind soever, to be used for the purposes of said corporation.

A. D. 1857.

Fines.

XVIII. That all fines which shall hereafter be collected by conviction in the Court of Sessions for retailing without license within the corporate limits of said town shall be paid, one-half to the informer and the other half to the said Town Council, for the uses of the corporation.

Nuisances.

XIX. That the said Town Council shall have full power and authority to abate all nuisances within the corporate limits, and also to appoint a Board of Health for said town, and to pass all such Ordinances as may be necessary to define the powers and duties of the said Board, and to impose fines and penalties upon the members of said Board for neglect of duty or refusal to serve: *Provided*, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars.

XX. That the Intendant and Wardens elect shall, during their term of office, be exempt from patrol and street duty. And each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors a full account of their receipts and expenditures during their term, and shall pay over all moneys in their hands belonging to the corporation, and deliver up all books, records and other papers incident to their office to their successors; and on failure so to do, they shall be liable to the punishment prescribed in the twenty-second Section of this Act.

Exempt from
patrol and
street duty.

XXI. That all Ordinances heretofore passed by the Town Council of Barnwell in conformity with the authority granted by existing laws shall be, and they are hereby, declared legal and valid.

Ordinances.

XXII. That for any wilful violation or neglect of duty, malpractice, abuse or oppression the said Intendant and Wardens, jointly and severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment by fine not exceeding one hundred dollars, besides being liable for damages to any person injured.

Violation.

XXIII. That all Acts and parts of Acts heretofore passed in relation to the incorporation of the town of Barnwell be, and the same are hereby, repealed; and that this Act shall be deemed and taken to be a public Act, and continue in force for the term of twenty years, and until the end of the session of the Legislature then next ensuing.

Acts heretofore
passed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CHERAW AND COAL FIELDS RAILROAD COMPANY IN SOUTH CAROLINA. No. 4364.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1857.
 Communication.

same, That for the purpose of establishing communication by railroad from the town of Cheraw to some point on the North Carolina line, so as to connect with the Coal Fields and South Carolina Railroad, in the State of North Carolina, the formation of a company is hereby authorized, which, when formed, shall have corporate existence, with all the rights, privileges and immunities hereinafter granted, for the period of ninety-nine years.

Commissioners.

II. That for the purpose of raising the capital stock of said company, W. D. Harrington, W. Hayes, D. C. Campbell, J. Morrison, S. C. Bruce, Samuel Barrett, H. Turner, in the State of North Carolina, and Duncan Malloy, John C. Wadsworth, Robert A. Kendall and J. Marshall Threadgill, in the State of South Carolina, are hereby appointed Commissioners, with power to open books for the subscription of stock, at such times and places, and under the direction of such persons as they or a majority of them may think proper, and the said Commissioners shall have power to appoint a Chairman of their body, a Treasurer, and all other officers, and to sue and recover all sums of money that ought, under this Act, to be recovered by them.

Capital Stock.

III. That the capital stock of the said company shall be three hundred thousand dollars, and shall be divided into six thousand shares of fifty dollars each, and each subscriber to the said capital stock shall, at the time of subscribing, pay on each share subscribed for by him or her, the sum of one dollar, and the residue of said subscription shall be called for in installments not exceeding ten dollars on each share at one time, and at intervals of not less than sixty days.

Collecting and disposing.

IV. That in taking, receiving, collecting and disposing of the said subscription to the said capital stock, and in organizing the said company, the said Commissioners shall have, and be subject to the same rights, powers, privileges and liabilities, and shall proceed in the same manner, except as hereinbefore provided, as by the provisions of the Act of the General Assembly of the State of North Carolina, ratified on the second day of February, in the year of our Lord one thousand eight hundred and fifty-seven, incorporating the Cheraw and Coal Fields Railroad Company, the Commissioners thereby appointed to receive subscriptions to the capital stock of the said last named company have and are subject to.

Incorporated.

V. That the company hereby incorporated shall, when organized, be called "The Cheraw and Coal Fields Railroad Company," and shall be authorized to construct a railroad, with one or more tracks, along the Pee Dee Valley, from Cheraw to some point on the North Carolina line, so as to connect with the Cheraw and Coal Fields Railroad, to be constructed by the company chartered by the Act of the General Assembly of the State of North Carolina aforesaid.

Powers, rights and privileges.

VI. That the company hereby incorporated, when organized, and the stockholders and the President and Directors thereof, shall have all the same powers, rights and privileges, and be subject to the same liabilities, except as herein otherwise enacted, as are provided by the aforesaid charter granted by the General Assembly of the State of North Carolina to the aforesaid Coal Fields and South

Carolina Railroad Company and to the stockholders and President and Directors thereof.

A. D. 1857.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE INCORPORATED. No. 4365.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or hereafter may become, members of the following religious and charitable societies, and societies for the advancement of education, to wit: The Treadway Baptist Church of Christ, in Barnwell District; the Lebanon Baptist Church; the Williston Baptist Church, at Williston; the Varennes Church, in Anderson District; the Bethesda Church, in York District; the Dry Creek Baptist Church, Edgefield; the Methodist Episcopal Church, South, at Sumter; the Rocky Spring Baptist Church, in Lexington District; The Sumter Cemetery Association; the Euphemian Society of Erskine College; the Philomathean Society of Erskine College; the Elliott Society of Natural History; the Church of the Holy Comforter, in the town of Sumter; the Mackey Chapter of Royal Arch Masons, No. 15; the Lebanon Council of Royal and Select Masons, No. 8, in the town of Yorkville; the Conwayboro' Academy; Mount Bethel Camp Ground; Allen Lodge, No. 38, of Ancient Free Masons, at the village of Bamberg; Butler Methodist Episcopal Church of Edgefield District; the Evergreen Cemetery Company; Sandy Springs Church in Anderson District, and Lancasterville Presbyterian Church in Lancaster District, be, and the same are hereby, declared and constituted bodies corporate and politic.

Societies.

II. That the said churches, societies and associations shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws, and shall have power, respectively, to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess or be entitled to, or which shall hereafter be given,

Succession of Trustees.

A. D. 1857.

bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of fifty thousand dollars.

III. That Charles E. Kanapaux, Charles Macbeth, A. E. Le Prince, and their associates, representing the "French Fusileer Charitable Society," be, and the same are hereby, incorporated and made a body politic, under the name of the "Lafayette Artillery Charitable Society," and that all the rights and powers of the said "French Fusileer Charitable Society," heretofore granted, be vested in the said "Lafayette Artillery Charitable Society," and that all the lawful acts and contracts of the said "French Fusileer Charitable Society," since the expiration of their charter, be confirmed and made binding upon the said "Lafayette Artillery Charitable Society."

Name.

Trustees.

IV. That George Boozer, David B. Piester, Thomas W. Boozer, James M. Senn and Robert Burton, Trustees of the Presbyterian Church of Smyrna, in Newberry District, be, and the same are hereby, declared a body politic and corporate, by the name and style of the Trustees of the Presbyterian Church of Smyrna, in Newberry District; and the white communing members, for the time being, of the Liberty Spring Church, in Laurens District, be, and the same are hereby, declared a body politic and corporate, by the name and style of the Liberty Spring Church; the said Trustees of the Presbyterian Church of Smyrna and the said Liberty Spring Church to be vested with all such rights, powers and privileges as are given to the Trustees of the Rock Church, in Abbeville District, by an Act entitled "An Act to incorporate the Presbyterian Church in Abbeville District heretofore known as the Rocky Creek Church," ratified the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-four.

Name changed.

V. That the name of the Cheraw Library Society, heretofore incorporated, be, and the same is hereby, changed to that of the Cheraw Lyceum.

Charters renewed and extended.

VI. That the charters of the Societe Francaise; DeKalb Lodge, No. 6, of the Independent Order of Odd Fellows; the Baptist Church, Camden; the Bethel Male Academy; the Apprentices' Library Society of Charleston; the Methodist Protestant Church in Charleston; the Presbyterian Church of Concord, in Sumter District, be, and the same are hereby, revived and extended with all the rights, powers and privileges heretofore granted, and that all acts done by any of the said corporations since the expiration of any of their said charters be, and the same are hereby, declared as good and valid as if such charters had not expired.

Trustees.

VII. That Robert N. Gourdin, E. L. Kerrison and Virginius J. Tobias, Trustees for certain free persons of color in the city of Charleston, and their successors, be, and they are hereby, made a body politic, by the name of the "Brotherly Association of Charleston," with power to hold real estate not exceeding ten thousand dollars in value, as a place of interment for said free persons of color, and with power in the survivor or survivors of them, the said corporators, to supply any vacancy in their body by death or resignation.

VIII. That the fifth Section of an Act entitled "An Act to incorporate certain societies, associations and companies, and for the re-charter of others," ratified on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, be, and the same is hereby, so altered and amended as to give the Philomathean Society of Erskine College all the rights and powers which are given to other like associations by the first and second Sections of this Act.

A. D. 1857.
 }
 Altered and amended.

IX. That this Act is hereby declared to be a public Act.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED.

No. 4366.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act of Incorporation of the town of Walterboro be extended for the space of twenty years, with all the rights, powers and privileges heretofore granted.

Act of Incorporation extended.

II. That the Intendant and Wardens of said town shall have power to levy a tax, in addition to that heretofore given, but in no case shall said municipal authorities raise and collect a tax which shall exceed the sum of three hundred dollars per annum, said tax to be levied as heretofore authorized.

Levy a tax.

III. That if any one residing permanently in the corporate limits of the town of Walterboro, and qualified by law to serve, shall be elected Intendant or Warden of said town, and shall neglect or refuse to serve, such person, unless physically incapable, shall be liable to pay a fine of twenty dollars, to be imposed and collected by the Council when organized: *Provided*, That no one shall be compelled to serve two years consecutively.

Corporate limits.

IV. That said Town Council shall have power and authority to make all needful rules concerning the police of said town, including street and patrol duty, and shall have power to compound with persons liable to either, and that all persons liable under the laws of the State to do ordinary road duty, if residing in the said town, shall be liable to the performance of street duty while residing therein.

Power.

V. That hereafter all moneys collected by the Tax Collector of Saint Bartholomew's Parish, as an assessment for Roads, Bridges and Ferries, upon the property of said town, shall be paid to the said Intendant and Wardens, or to such persons as they may direct for the use of said town.

Moneys collected.

- A. D. 1857.
Limits. VI. That the limits of the town of Walhalla be extended so as to embrace all the lands surveyed and admeasured as the town of Walhalla, by Tyre B. Mauldin, Deputy Surveyor, according to the general plat thereof.
- Selma. VII. That the charter of the town of Selma, in the District of Abbeville, be, and the same is hereby, revived and extended, with all the rights, powers and privileges heretofore granted, and that said town shall hereafter be known and called by the name of "Due West."
- Frog Level. VIII. That the charter of the town of Frog Level be, and the same is hereby, so amended, as to give to the Intendant and Wardens of said town the exclusive right to exercise all the rights, powers and privileges of Commissioners of Roads, within the corporate limits of said town: *Provided*, That nothing herein contained shall be construed to exempt the property situated within the corporate limits of said town from taxation by the Commissioners of Roads and Bridges for Newberry District.
- Mt. Pleasant. IX. That the charter of the town of Mount Pleasant be, and the same is hereby, so amended as that hereafter the polls for the election of Intendant and Wardens of said town shall be kept open from nine to twelve o'clock A. M., and from two to five o'clock P. M.
- Six months. X. That all free white persons having resided six months in the village of Timmons ville, in the District of Darlington, are hereby constituted and declared to be a body politic and corporate, by the name and style of "Timmons ville;" and its corporate limits shall extend one-half of a mile in the direction of the cardinal points of the compass, from the depot of the Wilmington and Manchester Railroad Company in said village, as a centre, and form a square, and that the said corporation be, and the same is hereby, invested with all the rights, powers and privileges, and subjected to all the conditions and liabilities conferred and imposed on the village of Cokesbury, by an Act entitled "An Act to incorporate the village of Cokesbury," ratified the sixteenth day of December, A. D. one thousand eight hundred and fifty-two.
- Third Section. XI. That the third Section of an Act entitled "An Act to renew and amend the charter of the town of Anderson," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, be, and the same is hereby, altered and amended, so as to read as follows, that is to say: The said town shall be governed by an Intendant and four Wardens, who shall be persons qualified under the Constitution of this State to vote for members of the Legislature, and who, at the time of their election, actually reside within the limits of the corporation, and have so resided and owned in their own right, respectively, a freehold therein for at least twelve months immediately preceding the election; and who shall, also, at least fifteen days before any such election, have registered their names as qualified voters, in a book to be kept by the Town Council for that purpose, and at the time of so registering their names, paid a capitation tax to said Council of one dollar each. That said Intendant and Wardens shall be elected on the second Monday in September, in each year, fifteen days' previous notice being given through a public newspaper of

the town, and shall continue in office for one year, and until the election and qualification of their successors; and all free white male inhabitants of said town who are qualified to vote for members of the Legislature of this State, and who have actually resided within the limits of the corporation for six months immediately preceding the election, and shall have, at least fifteen days before any such election, registered their names as qualified voters, in a book to be kept by the Town Council for that purpose, and at the time of such registration paid a capitation tax of one dollar each to the said Council, shall be entitled to vote for said Intendant and Wardens.

XII. That the Town Council of Pendleton shall have power to impose an annual tax upon the keepers of billiard tables and tennis alleys, or any other pin alleys, within the discretion of said Council, and to grant or refuse licenses for the same, upon such terms and conditions, and subject to such regulations as they may, by ordinance, establish. They shall also have power to impose a tax, within their discretion, on all sales made by itinerant traders and auctioneers, or all public drays, wagons, carriages, omnibuses and other vehicles, kept for hire, and on the owners or possessors of all drays, hogs, sheep, goats and cattle, kept within the corporate limits of said town. The said Town Council shall have power to impose an annual tax on the amount of all sales of goods, wares, merchandise, and, also, on the amount of income arising from all factorage and mechanical employments, faculties and professions, including the profession of dentistry; also, upon the amount of income from all moneys loaned at interest, and from dividends received from bank, and all other stocks: *Provided*, That no tax shall be imposed, in any one year, to exceed the rate of twenty cents on each hundred dollars of the value of such sales and income. And the said Town Council shall also have power to impose an annual tax on all slaves, all free negroes, all carriages and wagons of whatever kind, kept for private use, on all gold, silver, and other watches, kept for private use, within the limits of said town, and upon all persons who shall open any room or car, for the purpose of taking daguerreotype, or other likenesses, within the corporate limits of said town. And the said Town Council shall have power to impose an annual tax, not exceeding twenty cents, on every hundred dollars of the value of all real estate lying within the corporate limits of said town, the real estate of churches and school associations excepted, and for that purpose they shall appoint three freeholders, resident therein, to assess the value of said real estate upon both, and return the assessment within one month to said Council for taxation, and to fill any vacancy occasioned by the death, resignation, refusal to serve, or removal from office, of the said assessors; and any person who shall refuse to act as assessor, upon being appointed by the Council, may be fined any sum not exceeding twenty dollars. And the said Council shall have power to regulate the price of licenses upon all public shows and exhibitions in said town, to erect a powder magazine, and to compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for rate of storage thereof, and for keeping and delivering the same. And the

A. D. 1857.

Annual tax.

Provido.

A. D. 1857.

Enforce pay-
ment.

said Town Council shall have power to enforce the payment of all taxes and assessments levied under the authority of this Act, against the property and persons of defaulters, to the same extent, and in the same manner, as is provided by law for the collection of the general State tax, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal, or other person specially appointed by the said Town Council to collect the same; and all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof, in preference to other debts due by the person owning such property at the time of the assessment, except debts due the State, which shall be first paid.

Town Council.

XIII. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways, within the said town, as they may deem necessary, by sale of the freehold therein, either at public or private sale, as they may adjudge best for the interest of the said town; and they shall also have power to lay out, adopt, open and keep in repair, all such new streets, roads and ways, as they may from time to time deem important or necessary for the improvement of said town: *Provided*, That no new street, road, or way, shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street, road or way may pass.

Charter.

XIV. That the charter of the town of Pickens be, and the same is hereby, so amended as that hereafter the Town Council of said town shall have power to compound with all persons liable to road duty, by requiring the payment of an annual sum of money in lieu of the performance of such duty, the money so received to be applied to the public use of said corporation; and all persons failing or refusing to pay such commutation shall be liable to such fines and penalties as the said Town Council may impose.

Tax on lots,
lands, build-
ings, &c.

XV. That the said Town Council shall have power to collect an annual tax on all lots, lands, buildings, free persons of color, employments, faculties, professions, merchandise, and other articles, within the corporate limits of the said town, which now are or hereafter may be subject to taxation by the State: *Provided*, That the amount so levied and collected shall not exceed in any one year the amount collected by the State.

Georgetown.

XVI. That the charter of the town of Georgetown be so altered and amended as that hereafter every person who shall be qualified to vote for Intendant and Wardens of the town of Georgetown shall, at least thirty days previous to any election for any of the officers of said town, register his name in a book to be kept by the Clerk of the Town Council for that purpose, and shall at the same time pay into the treasury of the said town such capitation tax as may be fixed by said Town Council; and the said Clerk shall deliver to every person so registering his name, and paying said capitation tax, a certificate of said registration and of said payment, and any person failing to comply with these requisitions, or to produce such certificate for the inspection of the Managers, shall not be allowed to vote at any such election.

XVII. That this Act shall be deemed and taken to be a public Act, and shall continue of force for twenty-one years.

A. D. 1857.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTER OF COKEBURY SCHOOL, AT COKEBURY, IN ABBEVILLE DISTRICT. No. 4367.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to incorporate Cokesbury School, at Cokesbury, in Abbeville District," be, and the same is hereby, renewed and extended for the term of twenty-one years from the ratification of this Act, with all the rights, powers and privileges therein conferred.

Act renewed and amended.

II. That W. M. Wightman, R. J. Boyd, H. C. Durant, Nicholas Talley, H. A. C. Walker, Samuel Leard and W. A. Gamewell be, and they are hereby, appointed Trustees of said School in lieu of the persons named in the Act hereby renewed and extended.

Trustees.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE RELIEF LOAN ASSOCIATION OF CHARLESTON. No. 4368.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James W. Brown, Thomas O. Elliott, John K. Bevin and Thomas P. Lockwood, together with such other persons as now are, or hereafter may be, associated with them, be, and they are hereby, created and declared a body politic and corporate, for the purpose of making loans of money secured by mortgages of real estate and personal property, to their members and stockholders, by the name and style of the Relief Loan Association. The capital stock of said association shall consist of twelve hundred shares, with the privilege of increasing the same to two thousand shares, to be paid by successive monthly instalments of one dollar

Relief Loan Association.

A. D. 1857. on each share, so long as the said association shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for default in their payments as the regulations and by-laws of the said association may prescribe.

Powers and privileges.

II. The corporation hereby created shall possess the same powers and privileges, and be subject to the same restrictions and limitations as are granted to or imposed upon the Mutual Benefit Loan Association by the Act incorporating that association, which was passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4369. AN ACT TO INCORPORATE THE SANTEE AND SAMPIT CANAL COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several persons who shall or may associate themselves together for the purpose of cutting a canal from the Santee to the Sampit River, and their successors, shall be, and they are hereby, incorporated as a body politic in deed and in law by the name and style of the Santee and Sampit Canal Company.

Canal.

Company.

II. That said company, by their corporate name aforesaid, shall have perpetual succession of officers and members, to be appointed according to the by-laws and regulations which they may establish for their government, and may have and use a common seal, and the same break and alter at will; may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State; may make contracts, accept, purchase, hold and convey any property, real or personal, necessary to the construction and maintenance of said canal, and may do all other acts and things properly incident to such corporations, and necessary for the control and transaction of their business.

Capital Stock.

III. That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, which may be increased to any sum not exceeding the actual cost of the said canal, with its fixtures and appurtenances.

Commissioners

IV. That Leonard W. Dozier, W. S. Croft, W. W. Shackelford, David Risley, G. F. B. Leighton, James G. Henning, Robert M. Gourdin and R. O. Bush, or a majority of them, be, and are hereby, appointed Commissioners, whose duty it shall be to open books of subscription to the capital stock of said company, at Georgetown, on such days and times as they shall designate, after giving at least

twenty-one days' previous public notice, and whenever ten thousand dollars of the capital stock shall have been subscribed, and the sum of five dollars in cash paid on each share subscribed for, it shall be the duty of said Commissioners to call a meeting of the stockholders, who, when assembled, shall have power to organize said company by enacting such by-laws, not inconsistent with the laws of the land, as they may deem necessary, providing for the election of all necessary officers and agents for regulating the scale of voting at elections of officers, for procuring further subscriptions to their capital stock and directing the time and mode of paying in the same, as also the time of commencing, and mode of prosecuting the work, and all other such by-laws, rules and regulations as may be necessary for their complete organization and government and for effecting the objects of their incorporation.

A. D. 1857.

V. That the said company shall have power to lay out, cut, construct and keep in repair a canal connecting the Santee and Sampit Rivers at such points as they shall select, and the same to use and enjoy to them and their successors forever; and shall be entitled to take and receive such rates, rents and tolls for the working and use of said canal, as they shall by by-laws, from time to time, ordain and establish.

Power to lay out.

VI. That said company shall have power to purchase for themselves and their successors all such lands, rights of way and materials as may be necessary for the purpose of making and keeping up the said canal with its embankments, dams, locks, reservoirs, buildings and appurtenances, and when the company and the owner of any lands or materials necessary for said canal and its appurtenances cannot agree touching the price of the same, it shall be determined in the same manner as is provided by the tenth Section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, for determining questions of right of way for said railroad: *Provided*, That in all cases of appeal from assessments by Commissioners full costs shall be awarded and the collection thereof enforced as in cases of trespass on the case.

Power to purchase.

VII. That the said company shall be obliged to keep the said canal and locks at all times in good order, condition and repair; and for any wilful default or neglect herein whereby any person using the same may sustain damages in person or property, in addition to being liable to the party injured for all such damages, the officers and agents of said company may be indicted as for a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars or more than one hundred dollars, and imprisoned not more than three months or less than one day.

Obliged to keep.

VIII. That if any person or persons shall wilfully damage the said canal, or any of its appurtenances, or shall throw any dirt, trees, logs or other rubbish into said canal, so as to injure the same, such person or persons, in addition to being liable to the said company for any damage it may sustain thereby, shall be liable to indictment as for a misdemeanor, and, upon conviction, shall be fined not exceeding one thousand dollars, and imprisoned not exceeding six months.

Wilfully damage.

A. D. 1857.

Public Act.

IX. That this Act shall be deemed and taken to be a public Act, and shall continue of force fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4370. AN ACT TO REGULATE APPEALS IN CASES ARISING UNDER THE ORDINANCES OF THE CITY COUNCIL OF CHARLESTON.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provisions of the eighth Section of an Act entitled "An Act to alter and amend the Judiciary system of the State," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, be, and the same are hereby, extended to appeals from all judgments of the City Court of Charleston in cases arising under the Ordinances of the City Council.

Provisions
extended.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4371. AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE REMUNERATION OF PETER, OF GEORGE, PENCIL, AND OF ——— SCOTT."

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first Section of an Act entitled "An Act for the remuneration of Peter, of George, Pencil, and of ——— Scott," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, be so altered and amended as that hereafter the said Peter, now known as Peter Des-

Act amended.

verney, shall be entitled to receive two hundred dollars per annum, payable quarterly, during his natural life, in lieu of the sum fixed by said Act.

A. D. 1857.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ADDITIONAL MAGISTRATE FOR PICKENS DISTRICT, TO RESIDE AT TUNNEL HILL. No. 4372.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be, and is hereby, declared lawful to appoint an additional Magistrate for the District of Pickens, to reside at Tunnel Hill, in said District.

Appoint an additional Magistrate.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, Jr., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE PICKENS COURT HOUSE CHURCH. No. 4373.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Henry W. M. Boggs, Zachariah C. Pullain and Joseph J. Norton be appointed Trustees of the Pickens Court House Church, (being a Presbyterian Church, holding the Westminster Confession of Faith, and connected with the Old School General Assembly of the Presbyterian Church of the United States of America,) and that the said Trustees and their successors, to be appointed as hereinafter directed, shall be, and they are hereby, created a body politic and corporate, by the name and style of the Trustees of Pickens Court House Church, whose duty it shall be to take charge and management of the lands, buildings, and other temporalities and property of the said church, in trust, according to the tenor of this Act.

Trustees.

II. That so long as the said church, (or any congregation to be organized in its stead, from time to time, as is hereinafter provided for,) shall hold the said confession of faith, and shall not be dissolved

A. D. 1857.

Vacancies.

by the superior judicatory to which it is attached and subject, nor become extinct, every vacancy which may from time to time occur among the said Trustees, by death, removal from the State, or resignation, shall be filled by the person or persons receiving a plurality of the votes cast, at an election to be made by the white communicating members of the said church.

Trustees shall hold and manage.

III. That in case said church should at any time cease to hold the said confession of faith, or be dissolved as aforesaid, or become extinct, the Trustees shall thenceforth hold and manage the said land, buildings, temporalities and property in trust for such church or congregation as may from time to time be afterwards duly organized in the village of Pickens Court House, according to the discipline of the Old School Presbyterian Church of the United States of America, and in the interim, viz.: (while from a cessation of hold said confession of faith, or from a dissolution as aforesaid, or from extinction, the said church, or any church organized in its stead as aforesaid, is not authorized by the foregoing provisions to fill the same) the filling of the vacancies and the number of the said Trustees shall belong to such Presbytery of said denomination as shall include the site of the church buildings within its boundaries.

Hold property.

IV. That the corporation hereby established be allowed to hold property upon trust, as aforesaid, to the value of five thousand dollars, and the increase thereof, and also the increased value of said property after its acquisition by them; and this Act shall remain and continue in force for and during the term of fourteen years from ratification thereof.

Power.

V. That the said Trustees, by their corporate name aforesaid, shall have power to make and use a common seal, and the same to break and alter at will; and to sue and be sued, plead and be impleaded in any court of law or equity in this State, and to do all other acts and things common to such corporations, and necessary to the objects of their creation, not inconsistent with the Constitution and laws of this State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4374. AN ACT TO CHARTER THE PORT ROYAL RAILROAD COMPANY.

Communication.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by railroad from the waters of Port Royal Harbor, in the neighborhood of Beaufort, to some point on the Savannah River, passing near the Sulcahatchie Bridge, the formation of a corporate company is hereby authorized, to be called "The Port Royal Railroad Company,"

Port Royal Railroad Company.

which company, when formed in compliance with the conditions hereafter prescribed, shall have corporate existence as a body politic in this State.

A. D. 1857.

II. That the said company is hereby authorized to construct a railroad from the waters of Port Royal Harbor, in the neighborhood of Beaufort, to some point on the Savannah River, passing near the Salcahatchie Bridge, by a route to be determined by the said company after the same shall have been formed.

Company authorized to construct.

III. That the books of subscription to the stock of said company shall be opened at Hamburg, Aiken, Silvertown, Barnwell Court House, Speedwell, Allendale, Buford's Bridge, Whippey Swamp, Salcahatchie Bridge, Beaufort and Charleston, by three Commissioners in each place, to be appointed by the Governor, and the books shall be opened in each of the said places on the same day, to wit: The first Monday in March next, and be kept open at each place for thirty days thereafter, between the hours of nine o'clock A. M., and three o'clock P. M., notice whereof shall be given by each set of Commissioners, either by advertising in a gazette, or such other manner as they may deem best, for at least one month prior to the time for the opening of said books: *Provided*, That the Commissioners at Barnwell Court House shall have power to cause said books to be re-opened at any time, and from time to time, for three years next ensuing the first day of March next. Individuals may subscribe for as many shares as they see fit, paying to the Commissioners at the time of subscribing one dollar on each share subscribed for, and the Commissioners shall designate in the books, opposite to the name of each subscriber, the date of the subscription, the number of shares subscribed for, and the sum of money paid; and for the sum so paid the Commissioners shall give a receipt to the individual paying, and shall make a return of the subscriptions taken by them, and the sums of money paid thereon to the Commissioners at Barnwell Court House.

Books of subscription.

Proviso.

IV. That the capital stock of the said company shall be three millions of dollars, to be divided into shares of twenty-five dollars each, and when the sum of two hundred and fifty thousand dollars shall be subscribed for in the manner hereinbefore prescribed, the subscribers shall be, and they are hereby declared to be, a body corporate, by the name and style of "The Port Royal Railroad Company," and may meet and organize the said company at such time and place as may be designated by a majority of the Commissioners assembled at Barnwell Court House.

Capital stock.

V. That for the purpose of organizing and forming this company all the powers conferred by the charter of the Spartanburg and Union Railroad Company on the Commissioners mentioned in said charter, shall be vested in the Commissioners to be appointed by the Governor under the provisions of this Act; and all the powers and privileges granted by the charter of the Spartanburg and Union Railroad Company to that company shall be, and are hereby, granted to the Port Royal Railroad Company, subject to the conditions therein contained, except in so far as the special provisions of this Act may require the same to be modified or varied.

Organizing and forming.

VI. That all questions concerning the right of way for said railroad, where the company and the land owners cannot agree touch-

Right of way.

A. D. 1857.

ing the same, shall be determined in the same manner as is provided by the tenth Section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, for determining questions of right of way for said railroad. In all cases of appeal from assessments by Commissioners full costs shall be awarded and the collection thereof enforced as in cases of trespass on the case.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4375. AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE QUALIFICATION OF JURORS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who may be entitled by the Constitution of this State to vote for members of the State Legislature, and who shall have paid, the year preceding the sitting of the court at which a new jury list shall be made, a tax of any amount whatever for property held in his own right, shall be liable to serve as a petit and common pleas juror.

Liability to
serve as juror.

Acts.

II. That all clauses of Acts heretofore passed repugnant to the provisions of this Act be, and the same are hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4376. AN ACT TO INCORPORATE THE CASHIERS VALLEY TURNPIKE COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That F. N. Garvin, E. M. Keith, W. R. Calhoun, and such other persons as they may associate with them, be, and they are hereby, authorized and empowered to lay out, construct, and keep in repair a turnpike road, commencing at Pendleton, in the District of Anderson, and running from thence by the most direct and prac-

Corporators.

licable route, by the way of Pickens Court House, to some point on the North Carolina line most accessible to Cashiers Valley, in the State of North Carolina; and for the purpose of establishing the said road the said F. N. Garvin, E. M. Keith, W. R. Calhoun and their associates, successors and assigns, shall be, and they are hereby declared to be, a body corporate and politic by the name and style of the "Cashiers Valley Turnpike Company," and shall have succession of officers and members, to be appointed according to the by-laws and regulations the said company may establish.

A. D. 1857.

Name and style.

II. That the capital stock of the said company shall be fifteen thousand dollars, in shares of twenty-five dollars each, to be subscribed in books to be opened for that purpose under the direction of the corporators hereinbefore named, or a majority of them, on such days, by such persons, and at such places as they may appoint; and when the sum of four thousand dollars shall be subscribed a meeting of the stockholders shall be called by the above named corporators, and the company may be organized by those representing a majority of the stock, each share entitling the owner to one vote.

Capital stock.

III. That the said corporation shall have power to make all such rules, regulations and by-laws, not repugnant to the laws of the land, as they may deem expedient; shall be able and capable, in law, to purchase, take, hold and enjoy, and the same to alien at will, any estate, real or personal, not exceeding in value double the amount of their capital stock, and by the name aforesaid may sue and be sued in any court of law or equity in this State; may have a common seal and corporate existence for the term of twenty-one years (unless their charter be forfeited by law) from the completion of said road.

Power to make rules, &c.

IV. That the said company shall be allowed two years from the ratification of this Act to organize and commence the construction of the road hereby authorized, and five years from the commencement of the work to complete the same.

Allowed two years.

V. That it shall and may be lawful for the said company to erect one or more toll gates for the collection of toll, and may take and receive, as a toll for passing the said turnpike, a sum not to exceed the following rates, to wit: For every four wheel carriage, drawn by two or more horses, seventy cents; for every buggy, or other one horse carriage, fifty cents; for every wagon, drawn by six horses, eighty cents; for every wagon, drawn by five horses, seventy cents; for every wagon, drawn by four horses, sixty cents; for every wagon, drawn by three horses, fifty cents; for every wagon, drawn by two horses, forty cents; for every wagon, drawn by one horse, thirty cents; for every cart, or other vehicle, than as above, twenty cents; for every passenger, on horseback, ten cents; for every loose horse or mule, three cents per head; for every head of cattle and hogs, two cents; for every head of sheep or goats, one cent: *Provided*, That for passing over any part of said road, less than its whole length, the rates of toll shall be *pro rata* to the sums charged for passing over the whole road.

Erect toll gates.

Proviso.

VI. That if any person shall wilfully destroy, injure or obstruct the said road, or any part thereof, such person shall be liable to pay treble damages to the company, to be recovered by action of debt in

Wilfully destroy.

- A. D. 1857. } any court of record in this State having jurisdiction, and shall also be liable to indictment in the Court of Sessions as for obstructing a public highway, and punished by fine and imprisonment, at the discretion of the court.
- Combine and unite. VII. That the said company may combine and unite their road with the road of any other company at the line of the State of North Carolina, on such terms and conditions as the said companies may agree upon.
- Proper repair. VIII. That for failure to keep the said road in proper repair, after the same shall have been completed, the said company shall be liable to a forfeiture of the charter herein granted.
- Right of way. IX. That all questions concerning the right of way for said turnpike road, where the company and the owners of the land over which the said road is to pass cannot agree touching the same, shall be determined in the same manner as is provided by the tenth Section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, for determining questions of right of way for said railroad; and in all cases of appeal from assessments by Commissioners, full costs shall be awarded, and the collection thereof enforced, as in cases of trespass on the case.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4377. AN ACT TO INCORPORATE THE SASSAFRAS GAP TURNPIKE COMPANY.

- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That F. N. Garvin, John Price and J. A. Easley, Jr., and such other persons as they may associate with them, be, and they are hereby, authorized and empowered to lay out, construct and keep in repair a turnpike road, commencing at Pendleton village, in the District of Anderson, and running from thence by the most direct practicable route to some point on the North Carolina line, in the direction of, and at or near the Sassafras Gap; and for the purpose of establishing the said road the said F. N. Garvin, John Price, J. A. Easley, and their associates, successors and assigns, shall be, and they are hereby declared to be, a body corporate and politic, by the name and style of the "Sassafras Gap Turnpike Company;" and shall have succession of officers and members, to be appointed according to the by-laws and regulations the said company may establish.
- Authorized and empowered. Capital stock. II. That the capital stock of the said company shall be twelve

A. D. 1857.

thousand dollars, in shares of twenty-five dollars each, to be subscribed in books opened for that purpose, under the direction of the corporators hereinbefore named, or a majority of them, on such days, by such persons, and at such places, as they appoint; and when the sum of three thousand dollars shall be subscribed a meeting of the stockholders shall be called by the above named corporators, and the company may be organized by those representing a majority of stock, each share entitling the owner to one vote.

III. That the said corporation shall have power to make all such rules, regulations and by-laws, not repugnant to the laws of the land, as they may deem expedient; shall be able and capable in law to purchase, take, hold and enjoy, and the same to alien at will, any estate, real or personal, not exceeding in value double the amount of their capital stock, and by the name aforesaid, may sue and be sued in any Court of Law or Equity in this State; may have a common seal and corporate existence for the term of twenty-one years, (unless their charter be forfeited by law,) from the completion of said road.

Power to make rules.

IV. That the said company shall be allowed two years from the ratification of this Act to organize and commence the construction of the road hereby authorized, and five years from the commencement of the work to complete the same.

Allowed two years.

V. That it shall and may be lawful for the said company to erect one or more toll gates for the collection of toll, and may take and receive, as a toll for passing the said turnpike, a sum not to exceed the following rates, to wit: For every four wheel carriage drawn by two or more horses, seventy cents; for every buggy or other one horse carriage, fifty cents; for every wagon drawn by six horses, eighty cents; for every wagon drawn by five horses, seventy cents; for every wagon drawn by four horses, sixty cents; for every wagon drawn by three horses, fifty cents; for every wagon drawn by two horses, forty cents; for every wagon drawn by one horse, thirty cents; for every cart or other vehicle than above, twenty cents; for every passenger on horseback, ten cents; for every loose horse or mule, three cents per head; for every head of cattle and hogs, two cents; for every head of sheep or goats, one cent: *Provided*, That for passing over any part of said road less than its whole length, the rates of toll shall be *pro rata* to the sums charged for passing over the whole road.

Erect toll gates.

Proviso.

VI. That if any person shall wilfully destroy, injure or obstruct, the said road, or any part thereof, such person shall be liable to pay treble damages to the company, to be recovered by action of debt in any court of record in this State having jurisdiction, and shall also be liable to indictment in the Court of Sessions, as for obstructing a public highway, and be punished by fine and imprisonment, in the discretion of the court.

Wilfully destroy.

VII. That the said company may combine and unite their road with the road of any other company at the line of the State of North Carolina, on such terms and conditions as the said companies may agree upon.

Combine and unite.

VIII. That for failure to keep the said road in proper repair, after the same shall have been completed, the said company shall be liable to a forfeiture of the charter herein granted.

Proper repair.

A. D. 1857.

Right of way.

IX. That all questions concerning the right of way for said turupike road, where the company and the land owners cannot agree touching the same, shall be determined in the same manner as is provided by the tenth Section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, for determining questions of right of way for said railroad. In all cases of appeal from assessments by Commissioners, full costs shall be awarded, and the collection thereof enforced as in cases of trespass on the case.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4378. AN ACT TO AMEND THE CHARTER OF THE TOWN OF SUMMERVILLE.

Charter amended.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the town of Summerville be, and the same is hereby, so amended, that every free white inhabitant of the town of Summerville who is constitutionally qualified to vote for members to represent the State in either branch of the Legislature, and in addition to these qualifications shall have resided within the limits of the town six months immediately previous to the election; or who shall have owned for six months a lot in the town, with a dwelling house thereon, liable to a town tax; or who shall have owned a lot in the said town for six months, and has actually made Summerville his place of summer residence, shall and may be entitled to vote for Intendant and Wardens of the town of Summerville; and no person shall be eligible to either of these offices unless, at the time of the election, he shall be a freeholder of a house and lot in the said town.

Eligible.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE "THE INDEPENDENT GAS COMPANY OF THE CITY OF COLUMBIA."

A. D. 1857.
 No. 4379.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Isaac D. Mordecai, Thomas S. Piggot and Lipman T. Levin, and their associates and successors, shall be, and they are hereby, incorporated and made and declared a body politic and corporate, in deed and in law, by the name and style of the "Independent Gas Company of the City of Columbia;" and as such body corporate and politic shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members conformably to such by-laws, and to sue and be sued, plead and be impleaded in any Court of law or equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities which are incident to bodies corporate.

Independent Gas Company of the city of Columbia.

II. That the said corporation shall have power to raise by subscription, in shares of twenty-five dollars each, a capital of forty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars; and that the said Isaac D. Mordecai, Thomas S. Piggot and Lipman T. Levin may open books and take subscriptions for the capital stock of said company, in such manner, and at such time and place as they may deem expedient, first giving at least two weeks' notice, by advertisement, in one or more of the public newspapers in the city of Columbia.

Subscription.

III. That whenever such subscription shall amount to the sum of twenty-five thousand dollars, the subscribers having had two weeks' notice by advertisement in one or more of the public newspapers of the city of Columbia; may meet and proceed to elect a President, Treasurer and Board of Directors, and such other officers as they may deem necessary for organizing the said company; and being so organized, the said corporation shall or may go into operation, and the rights, privileges and franchises hereby granted shall attach whenever the said sum of twenty-five thousand dollars shall have been actually paid in, in gold or silver current coin, or the current notes of the incorporated banks of this State, and an oath or affirmation thereof shall have been made by the President, Treasurer and a majority of the Board of Directors of the said company, and recorded in the office of the Secretary of State, in Columbia, and shall have been published in one or more of the newspapers of the said city.

Amount.

IV. That at the said election of officers, and at all other meetings of the said company, every stockholder shall be entitled to one vote for every share held by him, and the said officers shall continue in office until their successors shall have been duly elected, or until otherwise provided by the by-laws of the said corporation.

Election.

V. That the President and Board of Directors of the said company shall have power to dispose of the residue of the capital stock of the said company not subscribed for in such manner and at such time as they may deem fit: *Provided*, That if the capital stock of the said company shall hereafter be increased, such additional stock

Capital stock.

A. D. 1857.

Corporation.

shall be taken by subscription as hereinbefore directed for taking the original capital stock of the said company.

VI. That the said corporation shall be entitled to all the rights, privileges and immunities, and be subject to the same restrictions as are conferred and imposed upon the "Columbia Gas Light Company" by an Act to incorporate the said "Columbia Gas Light Company," passed on the sixteenth day of December, Anno Domini eighteen hundred and fifty-two.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4380. AN ACT TO INCORPORATE THE VILLAGE OF GREENWOOD.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons having resided twelve months in the village of Greenwood, in the District of Abbeville, are hereby declared to be a body politic and corporate by the name and style of the "Village of Greenwood," and its corporate limits shall extend one mile in each and every direction from the Presbyterian Chapel now standing in said village.

Village of Greenwood.

Governed.

II. The said village shall be governed by an Intendant and four Wardens, who shall be elected on the second Monday in January next, and in every year thereafter, ten days' notice being previously given; and all free white male inhabitants of said village, who are qualified under the Constitution of this State to vote for members of the Legislature, and who have resided and owned a freehold therein for twelve months immediately preceding the election, shall be eligible to the office of Intendant or Warden; and all free white male inhabitants who are qualified to vote for members of the Legislature, and who shall have resided within the limits of the corporation for six months immediately preceding the election shall be entitled to vote for said Intendant and Wardens.

Election.

III. The election of Intendant and Wardens of the said village shall be held at some convenient public place therein, from ten o'clock in the morning until two o'clock in the afternoon; and when the polls are closed the Managers shall forthwith count the votes, declare the election, and give notice in writing to the persons elected. It shall be the duty of the Clerk of the Court for Abbeville District to give the legal notice, and appoint the Managers for the first election; and the Intendant and Wardens for the time being, who shall be known as the "Town Council of Greenwood," shall give the legal notice, and appoint three persons to manage all subsequent elections, who shall manage and declare the same as herein provided for the first election. The Managers shall, before they open

the polls for any such election, take an oath fairly and impartially to conduct the same; and the Intendant and Wardens, before entering on the duties of their offices, shall take the oath prescribed by the Constitution of this State; and, also, the following oath, to wit: "As Intendant (or Warden) of Greenwood, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and good order, and carry into effect, according to law, the purposes for which I have been appointed—So help me God." And if any person elected Intendant or Warden shall refuse to serve as such, he shall forfeit and pay to the Town Council of Greenwood the sum of twenty dollars for the use of said village: *Provided*, That no person shall be compelled to serve more than one year in any term of three years.

IV. In case a vacancy should occur in the office of Intendant or Warden by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the remaining members of the Town Council, ten days' previous notice having been given; and in case of sickness or temporary absence of the Intendant, the Wardens forming a Council shall have power to elect one of their number Intendant *pro tem*.

V. That said Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively be vested with all the powers of Magistrates within the limits of said village, except for the trial of small and mean causes; and the Intendant shall, as often as he may deem necessary, summon the Wardens to meet in Council, any three of whom shall constitute a quorum to transact business; and shall be known by the name of the "Town Council of Greenwood," as aforesaid, and they and their successors in office, may have and use a common seal, which shall be affixed to all their Ordinances; and by their said corporate name may sue and be sued, plead and be impleaded, in any court of law or equity in this State. The said Town Council shall have full power, under its corporate seal, to make all such rules, by-laws and Ordinances, respecting the roads, streets, markets and police of said village, as shall appear to them necessary and requisite for the security, welfare, good government and convenience of the same, and for preserving the health, peace and good order thereof; and the said Council may impose fines for offences against their by-laws and Ordinances, and appropriate the same to the public uses of the corporation; but no fine above the sum of twenty dollars shall be collected by said Council, except by suit in the Court of Common Pleas for Abbeville District: *Provided*, That no fine exceeding fifty dollars shall be imposed, and that nothing herein contained shall authorize the said Council to make any by-laws inconsistent with, or repugnant to, the laws of this State.

VI. That the power and duty of organizing, superintending and regulating the patrol in the said village, be, and the same is hereby, transferred to the said Council, and for that purpose the said Council is vested with the powers in that respect exercised by the officers of the Beat Company and Courts Martial, and severally and collectively the members of said Council are made subject to like penalties for neglect of duty. No Ordinance, however, shall di-

A. D. 1857.


Oaths.

Vacancies.

Intendant and Wardens.

Proviso.

Power and duty.

A. D. 1857.  minish the quantity of duty, or reduce the fines for neglect of duty, which is now, or hereafter may be, provided for by law.

Granting
Licenses.

VII. That the Intendant and Wardens shall have the full and only power of granting licenses for billiard tables, to keep taverns, or retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same condition as they now are, or may hereafter be granted by Commissioners of Roads, under the laws of this State; and the powers vested in the Commissioners of Roads are hereby granted to the said Intendant and Wardens, within the said limits; and all money paid for licenses, and for fines and forfeitures for retailing spirituous liquors, keeping taverns and billiard tables, within the said limits without license, shall be appropriated to the public use of said corporation.

Keep roads, &c.

VIII. That it shall be the duty of the said Intendant and Wardens to keep all roads, ways and streets within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted to Commissioners of Roads, and for neglect of duty therein they shall be liable to the same penalties as are imposed on Commissioners of Roads. The Intendant and Wardens shall have power to compound with all persons liable to work on said roads, ways and streets; to release such persons as may desire it, upon the payment of such sum as they may deem a fair equivalent therefor, to be applied by them to the use of said corporation; and no person residing within the said limits shall be liable to work on any road without the said limits.

Appoint Marshals.

IX. The Intendant and Wardens shall have power to appoint Marshals, who shall be duly sworn in and invested with all the powers Constables now have by law, and whose jurisdiction and authority shall be confined within the corporate limits of said village.

Violation.

X. That for any wilful violation or neglect of duty, malpractice, abuse or oppression, the said Intendant and Wardens, severally, shall be liable to indictment, and, upon conviction, to be fined at the discretion of the court, not exceeding one hundred dollars, and removal from office, besides liable for damages to any person injured.

Public Act.

XI. This Act shall be taken and deemed to be a public Act, and shall continue of force for twenty-one years, and until the end of the session of the Legislature then next following.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4381. AN ACT TO VEST IN THE CITY COUNCIL OF CHARLESTON THE FEE SIMPLE OF THE GUARD HOUSE LOT.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fee simple of the lot of land lying at the corner of

Fee simple
vested.

Broad and Meeting streets, in the city of Charleston, now the property of the State, whereon the Guard House, and the building lately known as the State Arsenal are situated, be, and the same is hereby, vested in the City Council of Charleston, and their successors, for the use and advantage of the said city.

A. D. 1857.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXEMPT MANAGERS OF ELECTION FROM THE PERFORMANCE OF ORDINARY MILITIA DUTY. No. 4382.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Managers of election in this State be, and they are hereby, exempted from the performance of ordinary militia duty for and during their term of service.

Managers of
 Election ex-
 empted.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO INCREASE THE AMOUNT OF PROPERTY EXEMPT FROM LEVY AND SALE," RATIFIED THE SIXTEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE. No. 4383.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to increase the amount of property exempt from levy and sale," ratified the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-one, be, and the same is hereby, repealed.

Act repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1857.
 No. 4384.

AN ACT TO INCORPORATE "THE PROTESTANT EPISCOPAL CHURCH BUILDING SOCIETY OF SOUTH CAROLINA."

Preamble.

Whereas the Right Rev. Thomas F. Davis, the Rev. Christian Hauckel, the Rev. A. Toomer Porter, the Rev. C. C. Pinckney, the Rev. J. H. Elliott, and Messrs. J. K. Sass, John Bryan, E. L. Kerison, J. F. Blacklock, T. P. Elford and Geo. A. Trenholm, and others, members of the Protestant Episcopal Church Building Society of South Carolina, by their petition to the General Assembly, have set forth "that they have associated themselves together in a society whose object is to aid in building churches, chapels and parsonages in the State of South Carolina, and that they are desirous of having an Act passed incorporating them as a body corporate by the name and style of "The Protestant Episcopal Church Building Society of South Carolina," and that they may have all the privileges usually annexed to such an incorporation:

The Protestant Episcopal Church Building Society of South Carolina.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Society above mentioned, and the persons who are now and shall hereafter be members thereof, and their successors, officers and members, shall be, and they are hereby declared to be, a body corporate, in deed and in name, by the name of "The Protestant Episcopal Church Building Society of South Carolina," and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter, break and make new the same, as often as the said corporation shall judge expedient, and the said corporation, and its successors, shall be able and capable in law to purchase, have, hold, receive, enjoy, possess and retain, itself and its successors, in perpetuity, or for any term of years, any estate or estates, lands, tenements or hereditaments, of what kind and nature soever, and to sell, alien, remise and change, demise or lease the same, or any part thereof, as it shall think proper, and by its said name to sue or be sued, implead and be impleaded, answer and be answered unto, in any court of law and equity in this State; and to make such rules and by-laws (not repugnant and contrary to the laws of the land) for the benefit and advantage of the said corporation, and for the order, rule, good government and management of the said corporation as shall from time to time be agreed upon by a majority of the members of the said society.

Charitable donations.

II. That it shall and may be lawful for the said corporation hereby created to take and to hold to itself and to its successors, forever, any charitable donations or devises of lands and personal estate, and to appropriate the same for the benefit of the said corporation in such manner as may be determined by a majority of the members thereof.

Estates, real and personal.

III. That the said corporation shall be, and is hereby, declared able and capable in law to have, hold and receive, enjoy, possess and retain, all such estates, real and personal, money, goods, chattels and effects which it is now possessed of or entitled unto, or which has been already given, devised or bequeathed to it, by whatever name such devise or bequest may have been made.

Public Act.

IV. That this Act shall be deemed and taken as a public Act,

and notice shall be taken thereof in all courts of justice and elsewhere in this State, and it shall be given in evidence on the trial of any issue or cause without special pleading.

A. D. 1857.



In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXEMPT THE BEAUFORT BEAT COMPANY FROM REGIMENTAL AND BATTALION REVIEWS. No. 4385.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Beaufort Beat Company be, and the same is hereby, exempted from attending regimental and battalion reviews: *Provided*, The said company, in addition to the days and times now required by law, shall, on the days and times when the regiment and battalion to which the said company is now attached, parade for review and exercise, also assemble at the usual muster ground of the said company for drill, exercise and instruction.

Beaufort
 Beat Company
 exempted.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY IN SUNDRY PERSONS THEREIN MENTIONED. No. 4386.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State, in that portion of the real estate of David Moore, (late of Chesterfield District, devised to his widow, Margaret Moore,) be, and the same is hereby, vested in the said Margaret Moore, her heirs and assigns forever.

David Moore.

II. That all the right, title and interest of the State, in the personal estate of Paul Stephen Blocker, late of Colleton District, be, and the same is hereby, vested in Benjamin C. Hudson, Daniel R. Hudson, and Laurence J. Hudson.

Paul Stephen
 Blocker.

III. That the title of the State to the slaves of which Syc Ervin,

Syc Ervin.

A. D. 1857.

late of St. John's Berkeley, died possessed, with their subsequent increase, be vested in William F. Ervin, upon his accounting with the escheater for two-thirds of the net value of said slaves, after deducting the costs of the suit now pending from their gross value, to be ascertained by the appraisement of three disinterested persons to be appointed by the Ordinary of Charleston District.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4387. AN ACT TO DECLARE AND ESTABLISH THE MILITARY DIVISIONS OF SUMTER AND CLARENDON DISTRICTS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the military organization now existing in the Judicial Districts of Sumter and Clarendon be, and the same is hereby, abolished, except the volunteer corps of cavalry and infantry therein.

II. That hereafter persons resident in the Judicial District of Sumter, who are liable to perform militia duty, shall perform such duty in Sumter District, and persons resident in Clarendon District, who are liable to perform militia duty, shall perform such duty in Clarendon District.

III. That the militia of Sumter District shall constitute one regiment, to be known in the military organization of the State as the Twentieth Regiment, South Carolina Militia, and the militia of Clarendon District shall constitute one regiment, to be known as the Forty-fourth Regiment, South Carolina Militia, and each of said regiments shall be divided into two battalions, and each battalion into four beats, arranged, as far as is practicable, so as to best promote the convenience of the inhabitants, having reference to territory and population.

IV. That for the purpose of establishing said divisions, it shall be the duty of the Brigadier General of the Fifth Brigade, South Carolina Militia, to appoint five Commissioners in each of the Districts of Sumter and Clarendon, who shall, within three months from the ratification of this Act, divide the said Districts, respectively, into battalions and beats as herein provided, and report the same to the Brigadier General aforesaid, designating the boundaries and lines of each battalion and beat. Three of said Commissioners shall be a quorum to perform said duties, and if either of said Commissioners shall wilfully neglect or refuse to perform the duties hereby assigned, he shall be liable to indictment as for neglect of duty, and, upon conviction, shall be fined one hundred dollars.

V. That within fifteen days after the report of the Commissioners

Military organization abolished.

Militia duty.

Twentieth regiment.

Establishing.

Report of Commissioners.

is received, the Brigadier General aforesaid shall issue an order, defining the boundaries of each battalion and beat company, which he shall cause to be posted up at two public places, at least, in each beat, and recorded in the office of the Register of Mesne Conveyance of the District aforesaid, respectively.

A. D. 1857.

VI. That it shall be the duty of the said Brigadier General, immediately thereafter, to issue orders for an election to be held at such time and places as he shall designate, in the several beat companies established and laid out as aforesaid, of which at least twenty days' previous public notice shall be given in the respective beats, for company officers, now allowed by law to beat companies, and the persons elected shall be entitled to receive their commissions as in other cases, and that the field officers now in commission shall hold their respective commissions within the regiment where they now live, and shall be assigned to their respective commands by the said Brigadier General; and in case of the re-election of any officer, the commission of such officer shall take the date of his present commission.

Duty.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, and in the eighty-second year of the sovereignty and independence of the United States of America.

JAMES CHESNUT, JR., President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

RESOLUTIONS

REPORTED BY THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

ADOPTED DECEMBER, 1851.

IN THE HOUSE OF REPRESENTATIVES, December 13, 1851.

The Committee recommend that the following Resolutions, which were drafted by the Committee on Privileges and Elections in 1841, be adopted, and that the same be printed with the Acts of the Assembly, and also with the writs of election, and that the Clerks of the two Houses be directed to cause the same to be forwarded to the Managers of Elections throughout the State.

1. *Resolved*, That the Managers of Election are requested to pay special attention to the following portions of the law relating to elections:

1. The names of the voters to be regularly written as they vote, and the list preserved, A. A. 1716, 2 Stat. p. 684.

Record of names.

2. If two or more tickets, in counting the votes, be found rolled up together, or more names be found written on any ticket than ought to be voted for, all such tickets are not to be counted, A. A. 1716, 2 Stat. p. 684, and A. A. 1721, 3 Stat. 136.

Illegal votes.

No voter shall be allowed to put in more than a single ballot or piece of paper in the same box or vessel; but a ticket is to be counted, though it contains fewer names than are to be voted for.

Balloting.

- A. D. 1857.
- Duties and liabilities of Managers.**
3. If any Manager shall knowingly receive an illegal vote, or shall refuse to receive a legal one, or shall neglect or refuse to attend the election, or shall count the ballots before the proper time or at any other than the proper place, he shall be liable to penalties, A. A. 1716, 2 Stat. 689, and A. A. 1721, 3 Stat. 138, and A. A. 1759, 4 Stat. 100.
- Oaths, examination of witnesses and misdemeanors.**
4. Managers are authorized to administer oaths and examine witnesses; to maintain order and regularity at the polls, and, by order in writing, (directed to the Sheriff, Constable or Special Deputy,) to commit to jail for one day any person who refuses to obey the lawful commands of the Managers, or shall disturb their proceedings, A. A. 1831, 6 Stat. 442.
- Rejection of votes by managers.**
5. If any person refuses to make proper oaths, or if the Managers be otherwise satisfied that he is not qualified, his vote shall be rejected, A. A. 1831, 6 Stat. 443.
- Challenging votes.**
- The Managers, or any other person entitled to vote, may challenge any person offering to vote, A. A. 1831, 6 Stat. 443.
6. Managers are authorized to swear each other, A. A. 1818, 6 Stat. 94, or they may be sworn by any one authorized to administer oaths.
- Vacancies by death or otherwise.**
7. In case of death, removal from the District, or refusal to serve of any Manager, a majority of the delegation are authorized and required to fill up the vacancy by appointment in writing, A. A. 1818, 6 Stat. 94.
- Opening and closing polls.**
8. Polls to be opened at 9 o'clock A. M., and closed at 4 o'clock P. M., with convenient intervals. The box, vessel or bag, to be sealed up when the polls are closed, and not to be opened except to receive votes the second day, and to count the votes at the regular time and place, A. A. 1721, 3 Stat. 136.
- Managers to take oath.**
- II. *Resolved*, That the Managers of elections, prior to their proceeding to the elections, do take the following oath or affirmation before some Magistrate, or one of the Managers of elections, to wit: "That they will faithfully and impartially conduct and attend to the foregoing elections, agreeably to the Constitution of the State of South Carolina, and the laws thereof."
- Voting.**
- III. *Resolved*, That in future no person qualified to vote for members of each branch of the Legislature shall be permitted to vote in more than one election District or Parish, and the Managers of election throughout the State are hereby required and directed, if they think proper, (or on application of any elector present) to administer to any person or persons offering to vote, the following oath:
- Oath.**
- "I, A. B., do solemnly swear (or affirm, as the case may be,) that I have not, at this general election for members of the Legislature, voted in this or any other District or Parish, and that I am constitutionally qualified to vote—so help me God."
- Refusal to take oath.**
- And if any person or persons, required as aforesaid to take said oath or affirmation, shall refuse to do so, then the Managers, in their respective Districts or Parishes, shall be, and they are hereby, required and enjoined to refuse such vote or votes, and in case the Managers shall refuse to require the oath as aforesaid, when demanded, they shall be liable to all the pains and penalties they would be liable and subject to for neglecting any other duties required of them as Managers of elections for either branch of the Legislature.
- Duties of the Managers relative thereto.**

IV. *Resolved*, That the Act altering the fourth Section of the Constitution of the State of South Carolina be herewith published, to wit :

“Every free white man of the age of twenty-one years, (paupers, non-commissioned officers and privates of the army of the United States excepted,) being a citizen of this State, and having resided therein two years previous to the day of election, and who has a freehold of fifty acres of land, or a town lot of which he has been legally seized and possessed at least six months before such election, or not having such freehold or town lot, hath been a resident in the election District in which he offers to give his vote before the election six months, shall have a right to vote for a member or members to serve in either branch of the Legislature for the election District in which he holds such property or residence.”

V. *Resolved*, That the two years' residence required by the Constitution in a voter are the two years immediately previous to the election, and the six months' residence in the election District are the six months immediately previous to the election. But if any person have his home in the State, he does not lose the right of residence by temporary absence with the intention of returning; but if one have his home and family in another State, the presence of such person, although continued for two years in the State, gives no right to vote.

VI. *Resolved*, That the Managers of elections throughout the State be restrained from publishing notice of elections in the newspapers more than twice a week for one month, and on the days of election. That in the Parishes of St. Philip and St. Michael the notice of elections shall be published in one newspaper only for the sum of fifty dollars; that in each other District where a gazette is published, the Managers shall publish so much as relates to that District in one gazette for the sum of twelve dollars and fifty cents, and where no gazette is published in the District, the Managers shall put up notices of election at three or more public places, and at every place of election in the District; that the Managers of elections throughout the State shall give reasonable notice of the election, and at least two Sundays previous to the election.

VII. *Resolved*, That the Managers of elections are authorized and required, under the general laws, to hold and conduct elections for Clerk, Tax Collectors, Commissioners of the Poor, and other District officers, whenever vacancies occur, (as provided by law) and that it is unnecessary for this Legislature to give special directions in relation to the election of said District officers.

VIII. *Resolved*, That the Managers of elections throughout the State be, and are hereby, enjoined to use the utmost diligence, care and promptness in discharging these duties, in making correct and full returns, and enforcing the laws and resolutions provided for their guidance, so as to ensure fair and valid elections and preserve the purity of the elective franchise.

IX. *Resolved*, That it shall be the special duty of the Managers to report to the Solicitors all violations of the election law, and all cases of bribery and corruption, and to use their best efforts to bring the offenders to justice.

A. D. 1857.

Act altering 4th Section of Constitution relative to qualification of voters.

Publication of notice of elections.

Elections under purview of Managers.

Diligence enjoined on Managers.

Managers to report all violations of law, &c.

A. D. 1858.

No. 4388.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the public Treasury of this State for the use and service thereof, that is to say: eighty-one cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification as heretofore established; ninety-five cents per head on all slaves; two dollars and seventy-five cents on each free negro, mulatto or mustizo, between the ages of fifteen and fifty years, except such as shall be clearly proved to the satisfaction of the Collector to be incapable, from maims or otherwise, of procuring a livelihood; seventeen cents *ad valorem* on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; sixty-eight cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of law, the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, schoolmasters, schoolmistresses and journeymen mechanics whose income depends on their own manual labor; sixty-eight cents on every hundred dollars on the amount of commissions received by vendue masters and commission merchants; thirty-five cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and fifty-eight, of all banks which, for their present charters, have not paid a bonus to the State; thirty-four cents on every hundred dollars of capital of banks of issue out of this State, used and employed in this State by agents of said banks, between the first day of October, in the year of our Lord one thousand eight hundred and fifty-seven, and the first day of October, in the year of our Lord one thousand eight hundred and fifty-eight, in effecting loans or discounts, and dealing in exchange or notes; twenty-seven cents per hundred dollars on the capital stock of all incorporated gas light companies; one and thirty-five one hundredths per centum on all premiums taken in this State by incorporated insurance companies, and by the agencies of insurance companies and underwriters, without the limits of this State; twenty-one cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States or Territories thereof excepted,) which any person shall have made from the first day of January, of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and fifty-nine, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; thirty-four cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place; fourteen dollars per day for representing publicly, for gain and reward, any play, comedy,

Tax on lands.

Slaves and free negroes.

Lots and buildings.

Factorage and professions.

Commissions.

Bank capital.

Gas light and insurance companies.

Merchandise.

tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatsoever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the public Treasury, except in cases where the same is now required by law to be paid to corporations or otherwise.

A. D. 1858.
Exhibitions.

II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax District in which said property is located.

Taxes, to whom paid.

III. In making assessments for taxes on the value of taxable property used in manufacturing or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

Machinery exempt.

IV. That the Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be, and they are hereby, required and enjoined to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes; and the Comptroller General shall return the same in his report.

Duty of Tax Collectors.

V. That free negroes, mulattoes and mustizoes be, and they are hereby, required to make their returns and pay their taxes during the month of March.

Free negroes, when to pay tax.

VI. That the lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax District in which they are situate in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

Sullivan's Island.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

No. 4389.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

Appropriations.

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to

Executive Department.

A. D. 1858.

Legislative
Department.

the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, twenty-five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, also, for extra services of the Clerks of the two Houses, two hundred dollars each, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for extra services of the Messenger of the Senate, fifty dollars, and for the extra services of the Messenger of the House of Representatives, thirty dollars; for the pages employed in the House of Representatives, one hundred and twenty dollars, if so much be necessary, to be paid at the end of the session; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, six hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, twelve thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division before the twentieth day of February next, and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And, further provided*, That the Printer of the Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature; for John G. Bowman, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts and expenses of the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, six hundred dollars; two thou-

sand one hundred dollars for the State subscription to the reprint of certain of the Law and Equity Reports, to be paid to Messrs. McCarter & Co., upon the delivery by them, to the Legislative Librarian, of the copies of such Reports.

A. D. 1835.

III. IN THE JUDICIARY DEPARTMENT.—For the salaries of the Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for fire wood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel; for fire wood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant to be drawn by the presiding Judges of the Courts of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sitting of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said courts, upon the adjournment of the Courts of Appeal, respectively, in pamphlet form, and so arranged that they may be bound up in one volume, when in the opinion of the Judges of the Courts of Appeal there may be a sufficient number of pages for that purpose; for the pay of the jurors and Constables, fifty thousand dollars, if so much be necessary.

Judiciary Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars.

Treasury Department.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries

South Carolina College.

A. D., 1858.

of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer, and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; and for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for the expenses of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

Ordinary civil
expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-nine thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, thirty-four thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, two thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature, at its present session, twenty-five thousand dollars, if so much be necessary; for the payment of claims agreed to at the last session of the General Assembly, three thousand dollars, if so much be necessary; for the support of Free Schools, seventy-five thousand dollars, if so much be necessary, to be distributed among the several election Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; and the Treasurer is hereby directed to pay to the Commissioners of Free Schools of the Parishes of Prince William's and St. John's Colleton, respectively, their *pro rata* shares thereof, in such manner as he would do if the returns from those Parishes had been regularly made; for the education of the Deaf and Dumb, and of the Blind, seven thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committee of Ways and Means, and of Finance and Banks, agreed to by the Legislature, five hundred dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of the other Committees, fifteen hundred dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and forty-three, for slaves executed, two thousand dollars, if so much be necessary; for the salary of the Register of Births, Deaths and Marriages, five hundred dollars; three hundred dollars, if so much be necessary, for furnishing and distributing the necessary Registration Books and Blanks for the use of the Tax Collectors, Clergymen, Physicians and Magistrates, to be subject to the order of the Registrar of Births, Marriages and Deaths.

Military ex-
penditures.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one

A. D. 1858.

thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard at Charleston, each five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty thousand dollars, if so much be necessary; and also one thousand dollars for increasing the Library of the Citadel Academy at Charleston, to be drawn and applied by the Board of Visitors; and the said Military Academies shall be under the direction of the Board of Visitors of said Academies, so that their support shall not exceed the said sum, to be drawn and accounted for to the Legislature by the said Board of Visitors: *Provided*, That each judicial District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or, in that proportion, as far as the appropriation for the schools may allow; for the military accounts, as agreed to by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, five thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies, two thousand dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for repairing arms and Arsenal purposes in Charleston and Columbia, two thousand dollars.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor at Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish; for maintaining and keeping open the Roper Hospital in Charleston, three thousand dollars, to be paid to the Medical Society in trust for the Roper Fund, to defray the expenses of the said Hospital.

IX. FOR PUBLIC BUILDINGS.—For erecting an additional building for the Arsenal Academy at Columbia, ten thousand dollars, if so much be necessary, to be drawn and applied as directed by the resolution of the General Assembly; for the erection of a jail at

Ordinary local expenditures.

Public buildings.

A. D. 1858.

Williamsburg, eight thousand dollars, to be paid to the Commissioners of Public Buildings, and the said Commissioners are authorized to sell the old jail, or to use the materials as they may see fit; for continuing the erection of the Institution at Cedar Springs, twelve thousand dollars; for erecting outbuildings, purchasing furniture, erecting fences, and putting in order the grounds at Cedar Springs, eight thousand dollars, if so much be necessary, the whole to be paid to the draft of the Commissioners of the Deaf, Dumb and Blind; for the balance of debt incurred by the Regents of the Lunatic Asylum for the new building, three thousand five hundred dollars, to be paid in pursuance of the report agreed to at present session of the General Assembly; for an additional appropriation for adding to and improving the Court House at Charleston, ten thousand dollars, to be subject to the order of the Commissioners of Public Buildings of Charleston District, and accounted for by them; for the erection of a Court House at Columbia, fifteen thousand dollars, to be paid to the Commissioners of Public Buildings for Richland District, and the said Commissioners are hereby authorized to sell the old Court House, or to use the materials as they may see fit.

Extraordinary
expenditures.

X. FOR EXTRAORDINARY EXPENDITURES.—For the support of the Catawba Indians, twelve hundred dollars, if so much be necessary, to be paid and expended as heretofore, under the direction of the Governor; for the Historical Society of South Carolina, five hundred dollars, to be paid to the draft of the President; for the fourth year's subscription in aid of the publication of Tuomey & Holmes' Fossils of South Carolina, two thousand dollars, to be paid to the order of Messrs. Tuomey & Holmes, as soon as they shall have deposited in the Legislative Library two hundred copies of the next series of five numbers of that work; for the salary of the Geological, Mineralogical and Agricultural Surveyor of the State, for his fourth year, three thousand dollars, and seven hundred dollars more, if so much be necessary, for the publication of maps and plates to accompany his report, to be paid to his draft whenever he shall have deposited one thousand copies of the said maps in the Legislative Library; for deepening the Sullivan's Island channel of the port of Charleston, all moneys that shall be placed in the Treasury on account of dividends declared on stocks held by the State during the ensuing year, and also the sum of thirty thousand dollars, to be held liable to the draft of the Commissioners appointed to examine and improve that port, to be refunded if an appropriation be made by the Congress of the United States for the same purpose, to the extent of such appropriation; for the salary of the Commissioner superintending the construction of the Capitol, four thousand dollars; for the State Agricultural Society of South Carolina, five thousand dollars; for the subscription of the State to the stock of the Keowee and Tuckasegee Company, two thousand dollars, to be paid to the said company according to the provisions of the Act authorizing such subscription; for the support of the State Normal and High School at Charleston, five thousand dollars, to be subject to the draft of the Commissioners of Free Schools of St. Philip's and St. Michael's, and to be applied by the said Commissioners in the manner pre-

scribed by the Act of last session ; to complete the payment for the Bronze Statue of Washington, mentioned in the Governor's Message, to be drawn by the Governor and paid by him to the proper person, the sum of eight thousand dollars.

A. D. 1858.

XI. That the Commissioners of Public Buildings for Clarendon District be, and they are hereby, authorized to retain, for the use of public buildings in said District, the balance in their hands arising from sales of land in the village of Manning ; for Professors La-Borde, Reynolds, Pelham and Barnwell, six hundred and twenty-five dollars each, for one quarter's salary, for the year 1856, retained in the Treasury.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT PROVIDING FOR A CODE OF THE STATUTE LAW OF SOUTH CAROLINA. No. 4390.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Court of Errors be authorized and empowered to appoint a Commission of not exceeding three persons, whose duty it shall be to revise and codify the statute law of force in this State.

Court of Errors to appoint.

II. That said Commission shall, in performance of the duties imposed by this Act, arrange all statutory provisions on the same subject, in a condensed form, under appropriate heads ; that said Commission shall not simply transfer the statutes, but shall so alter their phraseology as to exclude, as near as may be, all redundancy of expression ; and where there are several Acts relating to the same subject, they shall condense into one Act the enactments on the same subject, and so express the enactments as clearly to set forth the sense of the whole, having regard to judicial expositions thereof.

Duty of Commissioners.

III. That whenever it shall be apparent that there are legislative omissions in any statute, said Commission shall supply the same so as to perfect such statute and render its operation complete.

Omissions.

IV. That said Commission shall prepare appropriate titles and sub-divisions of titles, clearly and briefly, expressive of the subjects treated, shall make an index for easy reference to the manuscript copy of the code, and shall, in marginal notes to the Acts, make such references to decided cases as shall be proper for the clear elucidation of them.

Titles and Subdivisions.

V. That said Commission shall report to each session of the Legislature, for its action, what they may have done in the premises until the work be completed ; and that the Commissioners be authorized to print in rough form their progress, for examination

Commissioners to report and print.

A. D. 1858. by the Legislature, directing attention therein to such additions as they may propose to the present law.

Salary.

VI. That the Commissioners shall each receive for his services the sum of four thousand dollars (\$4,000) per annum, to be paid semi-annually, on the Certificate of the President of the Court of Errors that the work is progressing to the satisfaction of the Court; and should any vacancy occur in said Commission from any cause the Court of Errors shall supply the vacancy.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4391. AN ACT TO CONFIRM THE MILITARY DIVISIONS OF SUMTER AND CLARENDON DISTRICTS, AND THE ELECTIONS HELD THEREIN.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Military Divisions of the Districts of Sumter and Clarendon, made by the Commissioners under the authority of an Act to declare and establish the Military Divisions of Sumter and Clarendon Districts, ratified the twenty-first day of December, in the year of our Lord eighteen hundred and fifty-seven, be, and the same are hereby, confirmed and declared as legal and valid as if the same had been made within the time prescribed by the said Act.

Military divisions.

II. That all elections of officers of the militia held within the said divisions, be, and the same are hereby, declared legal and valid.

Elections.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4392. AN ACT TO PROVIDE FOR A CENSUS OF THE FREE WHITE INHABITANTS OF THIS STATE.

Whereas by the third Section of the first Article of the Constitution of this State, as amended on the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, it is provided that, for the purpose of apportionment of the representation of the several election Districts of the State, an enumera-

Act providing for census.

tion of the white inhabitants shall be made every tenth year, in such manner as shall be by law enacted :

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of carrying into effect the said provision of the Constitution in regard to taking the census of all the free white inhabitants of this State, a fit and proper person shall be appointed by Joint Resolution of both branches of the Legislature, during the present session, in each and every Circuit Court District throughout this State, except the Circuit Court Districts of Charleston, Colleton, Horry and Georgetown, and the District of Beaufort; and in case any person appointed as above shall refuse to accept such appointment, or a vacancy shall happen in any appointment previously accepted, by death, resignation or otherwise, the Governor for the time being shall forthwith appoint some fit and proper person to fill such vacancy; and it shall be the duty of each and every person so appointed to make a faithful, accurate and distinct census of all the free white inhabitants residing in each and every Election District contained within the Circuit District for which he shall have been appointed, so far as the whole or any part of the several Election Districts shall be contained therein; and each and every person appointed as aforesaid, shall, in making a return of the census he shall be appointed to take, designate and specify on oath, or his religious affirmation, (to be taken before, and certified by, a Magistrate,) the number of the free white inhabitants residing in each and every Election District, or part of an Election District, contained in the Judicial District for which he shall have been appointed.

II. That in the Circuit Court District of Charleston, eight fit persons be appointed in the manner prescribed in the first Section of this Act, to take the census of the free white inhabitants of said District, to wit: One for the Parishes of St. Philip and St. Michael; one other person for the Parishes of St. Stephen's and St. James', Santee; one other person for the Parish of St. John's, Colleton; one other person for the Parish of St. James', Goose Creek; one other person for the Parishes of St. Thomas and St. Dennis; one other person for Christ Church Parish; one other person for the Parish of St. John's Berkeley; and one other person for the Parish of St. Andrew's; and in the District of Beaufort, four fit persons shall be appointed in the manner aforesaid, to take the census of the free white inhabitants of said District, to wit: one for the Parish of St. Helena; one other person for the Parish of Prince William's; one other person for the Parish of St. Luke; and one other person for the Parish of St. Peter; and in the District of Colleton, three fit persons shall be appointed in manner aforesaid, to take the census of the free white inhabitants of said District, to wit: One for the Parish of St. Bartholomew, and one person for the Parish of St. George, Dorchester, and one other person for the Parish of St. Paul; and in the District of Horry, two fit persons shall be appointed as in manner aforesaid, to take the census of the free white inhabitants of the said District, to wit: One for the Parish of Kingston, and one other for the Parishes of Upper and Lower All-Saints; and in the District of Georgetown, one fit person shall

A. D. 1858.

Persons to be appointed.

Duty of Census Taker.

Charleston and other Districts.

A. D. 1858.

be appointed as in manner aforesaid, to take the census of the free white inhabitants in the Parish of Prince George, Winyah.

Returns, when and how.

III. That each and every person, as aforesaid appointed, to take the census in the several Circuit Court Districts or Parishes in this State, shall, on or before the first day of August next, deliver their several returns to the office of the Secretary of State, in Columbia, carefully sealed, certified and directed to his Excellency the Governor.

Governor to examine returns.

IV. That the Governor for the time being shall, as early as possible after the first day of August next, examine what returns have been made, and in case it shall appear to him that any person or persons appointed to take the census as aforesaid, shall in any wise have failed in complying with the duties imposed upon him, or them, by this Act, either in taking the census or in making a return of the same, he shall forthwith cause the same to be taken and returned, pursuant to the provisions of this Act, in every Election District or Districts where such defaults shall or may be made.

Compensation.

V. That each and every person so appointed and employed, and who shall have completed the census in the respective Circuit Court Districts or Parishes, shall receive such reasonable compensation therefor as shall be fixed and determined by Joint Resolution of both branches of the Legislature.

Oath of office.

VI. That each and every person appointed to take the census shall, before entering on the duties of his office, take, before some Magistrate, the following oath, to wit: "I, A B, do solemnly swear (or affirm, as the case may be,) that I will honestly, truly, faithfully and impartially, take a correct census of all the free white inhabitants residing within the Election District of ———, or of the Election Districts, or parts of the Election Districts, contained within the ——— Judicial District—So help me God;" and a certificate from a Magistrate, who shall administer the said oath, that the same has been duly taken before him, shall accompany and be delivered with each and every return of the census.

Oath.

VII. That the following oath shall be taken before some Magistrate, and a certificate endorsed by the said Magistrate, on the back of the return from each Election District or Parish, purporting that the said oath hath been duly taken before him, previously to such return being delivered in, or received at, the office of the Secretary of State, in Columbia, to wit: "I, A B, do solemnly swear (or affirm, as the case may be,) that this packet contains a just, true, correct and impartial return of all the free white inhabitants residing in the District or Parish to which I have been appointed, taken by me—so help me God."

In case of sickness or other cause.

VIII. That in case any person who shall or may be appointed under this Act for taking the census in any part of this State, should, by sickness or other unavoidable cause, be prevented from delivering in at the proper office of the Secretary of State a return of the census so by him made, in manner and form as aforesaid, then and in that case he shall transmit, by some faithful and responsible person, the return of the census which he shall have taken within the election District or Parish for which he was appointed; and the person or persons by whom any returns as

aforesaid may be transmitted, shall, on delivering the said returns to the proper office of the Secretary of State, take before the Secretary of State, or his deputy, who is hereby authorized to administer such oath (as the case may be,) the following oath, to-wit: "I, A B, do swear (or affirm, as the case may be,) that I received this sealed packet from the hands of C D, and that the same hath not been opened, or in anywise altered, or out of my possession, since it was received by me—So help me God."

A. D. 1858.

IX. That each and every head or member of a family shall, when summoned thereto by the person appointed under this Act to take the census in his, her or their election District, make, on oath or religious affirmation, a correct return of all and every free white person of whom his or her family is composed, under the penalty of twenty dollars; and the person so appointed to take the census in the several Districts shall be, and are hereby, authorized to administer said oath.

Heads of families to make oath.

X. That it shall be the duty of each and every person appointed to take the census in the several Districts of this State, by virtue of this Act, to call personally on the head or some member of each family in the District or Parish for which they have been appointed, and to obtain from such head or member of each family as aforesaid the number of free white persons contained in such family respectively.

Duty of office.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE COLUMBIA AND HAMBURG RAILROAD COMPANY. No. 4393.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad, on the most practicable route, from some point in or near the city of Columbia, in Richland District, to the Savannah River, at or near the town of Hamburg, in Edgefield District, which said company shall have the exclusive right to make, keep up and use such railroad; and for the term of time hereinafter to be mentioned no other railroad shall be constructed between the points above designated.

Company authorized.

II. That for the purpose of raising the capital stock of said company, it shall be lawful to open books at Hamburg, under the direction of Charles Hammond, E. J. Buckmaster and J. W. Stokes; at Columbia, under the direction of G. W. Thompson, C. R. Bryce and William Wallace; at Lexington Court House, under the direction of John Fox, J. A. Hendrix and A. H. Fort; at

Books to be opened by Commissioners

A. D. 1858.

Edgefield Court House, under the direction of S. Christie, R. T. Mims and S. F. Goode; and at such other places and under the direction of such other persons as the said Commissioners, or a majority of them, may designate, for the purpose of receiving subscriptions to an amount not exceeding one million dollars, in shares of twenty-five dollars each, to constitute a joint capital stock for the purpose of constructing and carrying into operation the railroad by this Act provided for; and on each share of the stock subscribed for, the subscriber shall pay to the Commissioners, who shall take the same, the sum of one dollar in specie, or notes of specie paying banks of this State.

Duty of Commissioners.

III. That it shall be the duty of the said Commissioners, or a majority of them, to open books of subscription at such times as they shall deem expedient, of which thirty days' previous notice shall be given in any newspaper which may be published in the towns of Columbia and Hamburg, and at Lexington and Edgefield Court House, which said books of subscription shall remain open for the space of sixty days, and if, at the expiration of that time, the sum of one hundred and fifty thousand dollars shall have been subscribed the said Commissioners shall appoint a time and place for the subscribers to the stock to meet for the purpose of organizing, of which due notice shall be given by public advertisement. It shall be the duty of the said Commissioners to deposit in some of the banks of this State the amount of money paid in upon subscriptions to stock. But if the sum of one hundred and fifty thousand dollars shall not be subscribed within the first time appointed, the said Commissioners herein named may, at their discretion, again open books to receive further subscriptions for said capital, and keep them open at such places and for such time as they shall think proper and fit, and the like course shall be pursued by the said Commissioners on the second opening of said books as is prescribed as to the first opening of them. And if the sum of one hundred and fifty thousand dollars shall not be subscribed upon the first and second opening of said books, then the said books may be closed or kept open, as a majority of the said Commissioners shall think fit, and for such period of time as they may prescribe: *Provided*, That if, upon the first and second opening of said books, the sum of one hundred and fifty thousand dollars shall have been subscribed, the power to keep open said books shall be transferred to and vested in the subscribers to said stock, or to the President and Directors whom they may appoint, and not in the Commissioners: *And provided, also*, That neither the said Commissioners, nor the subscribers of stock, nor their President and Directors, shall have power to keep open said books, and to receive subscriptions for a longer period than five years from the ratification of this Act.

Proviso.

IV. That when the sum of one hundred and fifty thousand dollars shall be subscribed for in manner herein prescribed, the subscribers shall be, and they are hereby declared to be, incorporated into a company by the name and style of "The Columbia and Hamburg Railroad Company," and may meet and organize said company as herein provided.

When to be organized.

V. That for the purpose of organizing and forming this company, all the powers conferred by the charter of the "Charlotte and South

Powers granted.

Carolina Railroad Company" on the Commissioners therein designated, shall be vested in the Commissioners appointed pursuant to the provisions of this Act, and all the powers, rights and privileges granted by the charter of the "Charlotte and South Carolina Railroad Company," to that company, shall be, and are hereby, granted to the Hamburg and Columbia Railroad Company, and subject to the same conditions therein contained, except as to the capital stock, the amount necessary to authorize organization, and the amount of shares, and except so far as may be otherwise necessary to conform to the special provisions of this Act.

A. D. 1858.



VI. That in the event of any vacancy in the Commissioners herein appointed at Hamburg, Lexington Court House, Edgefield Court House or Columbia, by refusal to serve, death, or otherwise, the delegations, or a majority of them in both branches of the Legislature for the Districts of Edgefield, Lexington and Richland, respectively, for the time being, are authorized to fill such vacancy.

Vacancy to be filled.

VII. That an Act entitled "An Act to incorporate the Columbia and Hamburg Railroad Company," ratified on the twentieth day of December, Anno Domini eighteen hundred and fifty-three, be, and the same is hereby, repealed.

Repealed.

VIII. That in all cases of appeal from assessments by Commissioners of damages to land owners by reason of their land having been taken for the purposes of the said company, full costs shall be awarded, and the collection thereof enforced as in cases of trespass on the case.

In cases of appeal.

IX. That the charter hereby granted shall endure for the period of thirty-six years, and this Act shall be taken and deemed a public Act.

Duration.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REGULATE THE MODE OF ELECTING DIRECTORS OF THE BANK OF THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES.

No. 4394.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Special Joint Committee appointed to nominate a President and Directors of the Bank of the State of South Carolina, be required, immediately upon the passage of this Act, to divide, by lot, the persons constituting the Board of Directors of said bank into three classes, to be designated as classes number one, two and three; and that the places of those constituting number one shall alone be vacated at the close of the next annual session; that class number two shall be entitled to hold their places until

Division of board.

A. D. 1858.

the end of the session of the General Assembly in the year of our Lord one thousand eight hundred and sixty, which shall then be vacated; and the third class shall be entitled to hold to the end of the session of said General Assembly, one thousand eight hundred and sixty-one, their places then to be vacated.

One class to
be annually
elected.

II. That one of these classes shall hereafter be annually elected by the General Assembly, to hold for three years, unless their places be vacated, as hereinafter provided for, from the several periods hereinafter designated; the first election for the first class to take place at the next session of the General Assembly; the first regular election for the second class, at the session for eighteen hundred and sixty; and the first regular election for the third class, at the session for eighteen hundred and sixty-one; and, in case of vacancies in any class before the expiration of the term of said class, said vacancies to be filled in reference to said unexpired term: *Provided*, That any appointment by the Board of Directors, to fill a vacancy, shall continue until an election shall be held by the General Assembly, at its next ensuing session, and no longer.

Vacancy, how
filled.

Joint Reso-
lution to vacate
seats.

III. That the General Assembly shall, at any time, have full power and authority, by a Joint Resolution of the two Houses, to vacate the seats of the entire Board, and elect the whole of the Directors, anything in this Act to the contrary notwithstanding: *Provided*, That immediately upon such election the Board be divided into classes, according to the provisions of this Act, and shall hold their seats for the time and on the terms therein set forth.

Act repealed.

IV. That the fifth Section of an Act entitled "An Act for the suspension of certain Sections of certain Acts, and for other purposes," passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be, and the same is hereby, repealed.

Bank agents.

V. That from and after the ratification of this Act, it shall not be lawful for any agent within this State of any bank not having corporate existence within the State to pay out of his said agency, and in the business thereof, or put into circulation, in the transaction of the business of the same, any bank note or other than bank notes the issue of the bank of which he is agent, or of the banks having corporate existence within this State; and any such agent so paying out or putting into circulation any such forbidden bank note or notes, shall forfeit treble the amount of the bank note or notes so paid out or put into circulation, to be recovered by action of debt, at the suit of the State, of which recovery the informer shall be entitled to one-half.

Bank notes
not to exceed
coin more than
three to one.

VI. That the third Section of an Act entitled "An Act for the suspension of certain Sections of certain Acts, and for other purposes," passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be amended so as to read as follows, viz: "That from and after the first day of January, in the year of our Lord one thousand eight hundred and sixty, if the bank notes issued by any bank, and in circulation, shall, at any time, exceed, for more than four successive weeks, three times the amount of gold and silver coin and bullion in possession of the bank, or subject to its control, within the limits of

A. D. 1858.

this State, as its own property, such bank shall forfeit five hundred dollars for each and every successive week during which such excess shall continue, to be recovered by action of debt, at the suit of the State; and, in order that such excess, when it exists, may be apparent, it shall be the duty of the President or Cashier of every bank of issue, on Wednesday of every week, to transmit to the Comptroller General an account of the amount of bank notes of such bank in circulation; and, also, an account of the amount of gold and silver coin and bullion in the possession of the bank, or subject to its control, as its own property, on the next preceding Tuesday, which account shall be certified by the oath of the President or Cashier, taken before and certified by any Magistrate duly authorized to administer oaths; and any person swearing falsely to any account shall be deemed guilty of perjury, and shall be subject to the pains and penalties thereof; and the Comptroller General shall, at least once in every month, collect the accounts of the weekly state of their circulation and specie, rendered by the several banks of issue, in conformity herewith, and publish the same so collected in some newspaper, in the following form :

Perjury.

Comptroller to publish monthly statements.

Weekly State of Circulation and Specie of Banks of Issue in South Carolina, from the day of to the day of , eighteen hundred and

NAME OF BANK.			NAME OF BANK.			NAME OF BANK.		
Date.	Circulation.	Specie.	Date.	Circulation.	Specie.	Date.	Circulation.	Specie.

And any bank, the officers whereof shall neglect to transmit to the Comptroller General any such account aforesaid, shall forfeit one hundred dollars for each and every day during which the same shall be neglected, to be recovered by action of debt, at the suit of the State.

Penalty for neglect.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER THE LAW IN RELATION TO LAST WILLS AND TESTAMENTS, AND FOR OTHER PURPOSES. No. 4395.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act real estate, purchased or otherwise acquired, after the making and publishing of

Real estate purchased.

A. D. 1858.

last wills and testaments, shall pass by and under the same, in the same manner and to the same extent as personal estate now does.

Devises to witnesses, &c., annulled.

II. That all devises, legacies or bequests, made to or in favor of any witness, or the husband or wife of any witness to last wills and testaments, of real or personal estates, or of both combined, or of any other property, estate or interest whatsoever, and all other interests and all offices or appointments conferred on such witness, or the husband or wife of such witness, by such last wills and testaments, shall be, and the same are hereby declared to be, null and void; and such witness, or the husband or wife of such witness, shall be competent and credible, if otherwise so, to prove the said last wills and testaments.

Probate of wills.

III. That hereafter, the probate, in due form of law, by and before the proper Ordinary, of all last wills and testaments, whether of real or personal property, or of both combined, or of any other property, estate or interest whatsoever, shall be good, sufficient and effectual in law, in the same manner and to the same extent as if the last wills and testaments were exclusively of personal estate; and no devise of real estate shall be admitted as evidence in any cause until after probate before the Ordinary.

Acts repealed.

IV. That all Acts or parts of Acts repugnant hereto, or inconsistent herewith, be, and the same are hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4396. AN ACT TO AUTHORIZE THE ISSUE OF BONDS OR STOCKS FOR THE PURPOSE OF CONTINUING THE CONSTRUCTION OF THE NEW STATE HOUSE.

Governor to issue bonds.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That his Excellency the Governor be, and he is hereby, authorized and required to issue, in the name of the State, bonds or stock, to be countersigned by the Comptroller General, for the amount of four hundred thousand dollars, bearing interest at the rate of six per cent. per annum, payable semi-annually, at the Treasury of the State, and redeemable thereat; that is to say, two hundred thousand dollars on the first day of July, which will be in the year of our Lord one thousand eight hundred and eighty-three, and two hundred thousand dollars on the first day of July, which will be in the year of our Lord one thousand eight hundred and eighty-five.

When to be redeemed.

Pledge.

II. That the faith of the State is hereby pledged for the punctual payment of the interest on said bonds or stock, and for the redemption of the principal of the same when it shall become due.

III. That all money arising from the sale of said bonds or stock shall be placed in the Treasury to the credit of the fund for erecting the new State House, countersigned by the Comptroller General.

A. D. 1858.

Money, how
to be disposed
of.

IV. That the Bank of the State of South Carolina is hereby appointed the agent of the State for the sale of the said bonds or stock, and is authorized to sell the same at the market value; and the said Bank shall furnish the means to the Commissioner to prosecute the work of erecting the new State House until the said bonds or stock have been sold, and the proceeds thereof deposited in the Treasury, subject to the draft of the Commissioners aforesaid.

Agent.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS.

No. 4397.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John G. Winter, George W. Winter and John McKinney, Jr., and their assignees, and such persons as may be hereafter associated with them in the manufacture and sale of paper, be, and they are hereby declared a body corporate and politic, by the name and style of the "Baths Paper Mills Company," with a capital stock of twenty thousand dollars, with the right to increase the same from time to time to the extent of one hundred and fifty thousand dollars.

Baths Paper
Mills.

II. That such company shall have power to acquire and hold, by lease or rent, or purchase, or otherwise, such site or sites, machinery, fixtures, appurtenances and personalty as may be desirable and necessary for the manufacturing of paper in any District in this State; to issue certificates of stock in such manner and to such amount as may be determined by resolution of said company, not exceeding in all one hundred and fifty thousand dollars; to have a succession of officers and members, to be chosen according to the rules and by-laws made, or to be made, by said company for their government and direction, and to make any by-laws not repugnant to the laws of the land, the same to alter, amend and repeal, or re-enact at pleasure; to sue and be sued, to plead and be impleaded in any court having competent jurisdiction; to have, use and keep a common seal, and the same to alter at will, and to have and enjoy the privilege of establishing such agencies, in or out of this State, as they may find expedient for making or vending paper, or for the purchase of paper or the materials from which paper is made or embellished, not in contravention of the laws of other States where

Powers of the
corporation.

A. D. 1858.

such agencies may be established; and to have and hold such real estate as may be necessary or expedient for carrying on legitimately the business herein contemplated, of making, buying or vending paper, or the materials of and by which paper is or may be made.

III. That the members of said corporation shall be jointly and severally liable for all debts and contracts made by such corporation until the amount of twenty thousand dollars shall have been actually paid in, in cash, or its *bona fide* equivalent in real and personal estate; and this charter shall be and continue for the term of fourteen years.

IV. That Otis Mills, E. M. Beach, and their associates and successors, be, and they are hereby, constituted a body corporate and politic, with all the rights, powers and privileges incident thereto, by the name and style of "The Atlantic Wharf Company," with a present capital of four hundred thousand dollars, to be divided into shares of the number and amount which may be determined upon by said company.

V. That said company shall have power to make by-laws, not repugnant to the laws of the land, and according thereto; may have succession of officers and members, and have and use a common seal, and the same to alter at will; may sue and be sued in any court in this State; may hold, possess and enjoy property, real and personal, and the same, or any part thereof, alien, sell, mortgage and transfer, and that this charter shall be and continue for the term of fourteen years.

VI. That the charter of the German Riflemen, a corps of militia attached to the Battalion of Rifles in the Parishes of St. Philip and St. Michael, granted in the year of our Lord one thousand eight hundred and forty-three, be, and the same is hereby, renewed and extended for the space of fourteen years.

VII. That the charter of the Hamburg Fire Engine Company, passed on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, be renewed and extended for the space of fourteen years, and that the members of the said fire engine company be exempt from the performance of patrol duty, and road and street duty.

VIII. That the Palmetto Riflemen, a military corps in the city of Charleston, attached to the Battalion of Rifles of the Fourth Brigade, be, and they are hereby, declared a body corporate and politic, for fourteen years, with all the rights, privileges and franchises granted in the charter of the German Riflemen, which has been herein renewed and extended for the space of fourteen years.

IX. That the societies under the names of the Ciceronian Association, of the city of Charleston, and the Charleston Chess Club, be, and are hereby, incorporated and declared bodies corporate and politic, for the space of fourteen years, with power severally to sue and be sued, and severally to purchase and hold real estate, and the same, or any part thereof, severally to sell, mortgage, alien and transfer, by their several and respective corporate names; severally to have and use a common seal, and the same to alter and change at will, and to enact their own by-laws, not inconsistent with the laws of the land.

X. That N. R. Middleton, J. K. Sass, James Rose, George S. Bryan, A. Sachleben and James H. Taylor, and their associates and successors, be, and they are hereby, incorporated and declared a body politic and corporate, for the space of fourteen years, under the name and style of the Carolina Art Association of Charleston, with all the rights, powers and privileges incident thereto; by their corporate name to sue and be sued, to plead and be impleaded, to have and use their seal and alter the same at will, and to make their own by-laws, not inconsistent with the laws of the land.

A. D. 1858.

Carolina Art Association.

XI. That John D. Williams, A. C. Fuller, J. Wistar Simpson, and their associates and successors, be, and they are hereby, incorporated and declared a body politic and corporate, under the name and style of the Laurens District Agricultural Society, and by their corporate name to sue and be sued, plead and be impleaded, to have and use a common seal, to make their own by-laws, not inconsistent with the laws of the land, and that the charter be continued for the space of fourteen years.

Laurens District Agricultural Society.

XII. That F. F. Sams, T. H. Spann, Nathaniel Heyward, and their associates and successors, be, and they are hereby, declared a body corporate and politic, by the name and style of the Beaufort Billiard Club, for the space of fourteen years, and that they have power, by their corporate name and style, to sue and be sued, to plead and be impleaded, to have and use their own seal, and to make their own by-laws, not inconsistent with the laws of the land; with power to purchase and hold real and personal estate to the amount of five thousand dollars.

Beaufort Billiard Club.

XIII. That the Mount Pleasant Ferry Company be, and they are hereby, authorized to reduce their capital stock from eighty thousand dollars to thirty thousand dollars, and the par value of their shares from one hundred dollars to thirty dollars and fifty cents per share: *Provided*, Said company shall pay and discharge all existing obligations and contracts.

Mount Pleasant Ferry Company.

XIV. That John Schnierle and his associates and successors be, and they are hereby, declared a body politic and corporate, for the space of fourteen years, under the name and style of the Eutaw Monument Association, for the purpose of raising funds for the erection of a monument in commemoration of the battle of Eutaw, with power to make all rules, regulations and by-laws for their government not inconsistent with the laws of the land.

Eutaw Monument Association.

XV. That the Hibernian Society of the city of Charleston, a body corporate and politic, in addition to their present privileges, be, and they are hereby, authorized and entitled to own and enjoy their present real estate, and such personal property as they may now possess or may hereafter acquire, to an amount not to exceed one hundred thousand dollars.

Hibernian Society may own real estate.

XVI. That the charter of the Port Royal Company be extended to the term of twenty-one years, from the ratification of this Act, and that said charter be so amended as to grant the said company the power of purchasing and possessing such personal property as may be necessary for carrying out the objects of said charter, and that the corporate title of said company be changed from the Port Royal Company to the Port Royal Road Company.

Port Royal Company. charter extended.

XVII. That the charter of the Horticultural Society of Charles-

Horticultural Society. charter extended.

A. D. 1858.

Washington
Artillery, char-
ter renewed.

ton be, and the same is hereby, renewed for the term of fourteen years.

XVIII. That an Act incorporating the Washington Artillery, ratified on the eighteenth day of December, one thousand eight hundred and forty-four, be, and the same is hereby, renewed for the term of fourteen years.

Graniteville
Man'gng Com-
pany, Shares
reduced.

XIX. That from and after the passing of this Act it shall and may be lawful for the Graniteville Manufacturing Company to reduce the shares in the capital stock of said company from five hundred dollars to fifty dollars each, and to sub-divide the same accordingly.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4398. AN ACT PROVIDING FOR THE PUNISHMENT OF PRIVILY STEALING FROM THE PERSON.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the Statute of the Eighth of Elizabeth, chapter fourth, adopted and made of force in this State, as excludes from the benefit of their clergy such as are convicted of the offense of privily stealing from the person, be, and the same is hereby, repealed, and that hereafter the offense of privily stealing from the person shall, in all cases, be deemed and adjudged grand larceny, and subject to the same punishment.

Grand larceny.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4399. AN ACT TO AUTHORIZE THE SOUTH CAROLINA RAILROAD COMPANY TO RETAIN ITS PRESENT BRIDGE OVER WATeree RIVER.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the railroad bridge heretofore built by the South Carolina Railroad Company over the Wateree River, and now used by

Wateree
bridge lawful.

said company, is hereby declared to be lawful, although not thirty-five feet above the bed of the river, and the said company is hereby authorized to continue the same at its present location.

A. D. 1858.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PUBLIC BUILDINGS OF ORANGEBURG DISTRICT TO SELL THE JAIL LOT IN SAID DISTRICT. No. 4400.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Public Buildings of Orangeburg District be, and they are hereby, authorized and empowered to sell and convey, in fee simple, the Jail Lot in Orangeburg District, and apply the proceeds to the erection or improvement of the Public Buildings of Orangeburg District, or in purchasing land for the use of the public buildings.

Jail lot to be sold.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CHEOHEE MINING COMPANY. No. 4401.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Henry W. Kuhlman, L. Frederick Charles, William S. Grisham, Robert Mure, William T. Middleton, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Cheohee Mining Company," for the purpose of exploring for iron, copper and other ores, minerals and metals, and for mining, working, smelting, manufacturing and vending the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any Courts of Law and Equity, whatsoever, in all suits and actions; may have a common seal, and the same alter at pleasure, and may purchase, hold or convey real estate, and enjoy all the privileges incident to corporations.

Cheohee Mining Company.

II. That the first meeting of said corporation may be called by Meetings.

A. D. 1858.

the persons named in this Act, at such time and place as may be agreed upon by the persons named in this Act; and at said meeting, and all other meetings legally notified, said corporation may make, alter and repeal, such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State or the United States.

Sale and transfer of stock.

III. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient; and the said corporation may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, in such manner as the by-laws may direct.

Stockholders.

IV. That the Directors shall cause a book to be kept containing the names of all persons who are stockholders of said Company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which book shall, during the business hours of each secular day, be open at the place of business of said Company, for the inspection of the stockholders and creditors of the Company and their representatives.

Capital.

V. That the capital stock of said Company shall be one hundred thousand dollars, and no debt shall be contracted by said Company until twenty-five thousand dollars is paid in, no part of which shall be withdrawn, or in any manner diverted from the business of the Company; and shall not contract debts at any time to an amount exceeding the amount of capital stock actually paid in.

Duration.

VI. That this Act shall be deemed a public Act, and continue of force for twenty-one years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4402. AN ACT TO INCORPORATE THE BLUE RIDGE MINING COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Henry W. Kuhlman, L. Frederick Charles, William S. Grisham, Robert Mure, William T. Middleton, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Blue Ridge Mining Company," for the purpose of exploring for iron, copper and other ores, minerals and metals, and for mining, working, smelting, manufacturing and vending the same; and by that name may sue and be sued, plead and be pleaded, appear, prosecute and defend, in any Courts of

Blue Ridge
Mining Com-
pany.

A. D. 1858.

Law or Equity whatsoever, in all suits and actions; may have a common seal, and the same alter at pleasure, and may purchase, hold or convey, real estate, and enjoy and have all the privileges incident to corporations.

Meetings.

II. That the first meeting of said corporation may be called by the persons named in this Act at such time and place as may be agreed upon by the persons named in this Act; and at said meeting, and all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State or the United States.

Stock.

III. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient; and the said corporation may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws may direct.

Stockholders.

IV. That the Directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their places of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

Capital.

V. That the capital stock of said company shall be one hundred thousand dollars, and no debt shall be contracted by said company until twenty-five thousand dollars is paid in, no part of which shall be withdrawn, or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the amount of capital stock actually paid in.

Duration.

VI. That this Act shall be deemed a public Act, and continue of force for twenty-one years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED. No. 4403.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or hereafter may

A. D. 1858.

Titles of So-
cieties incorp-
orated.

become, members of the following societies, viz : The Mount Olivet Church, in Pickens District; St. Mark's Church, in the town of Chester; Ebenezer Church, in Greenville District; The Second Baptist Church, in Pickens District; The Shady Grove Presbyterian Church, in Laurens District; The Baptist Church of Long Branch, in Barnwell District; The Beaver Creek Presbyterian Church, in Kershaw District; The Harmony Methodist Episcopal Church, South, in Edgefield District; Rehoboth Church, in Abbeville District; The Williamston Presbyterian Church, in Anderson District; The Shiloh Methodist Episcopal Church, South, in Abbeville District; The Bethlehem Baptist Church, in Edgefield District; Bethel Church, in Greenville District; Dorchester Baptist Church, in Anderson District; The Columbia Baptist Church, in Greenville District; Neal's Creek Baptist Church, in Anderson District; The Baptist Church, at Manning; The Presbyterian Church, at Manning; Cheraw Lodge, No. 15, Ancient Free Masons, of South Carolina; Hammond Lodge, No. 7, Independent Order of Sons of Malta; Bennettsville Lodge, No. 88, Ancient Free Masons; Winnsborough Lodge, No. 11, Ancient Free Masons; The Orangeburg Missionary Union, of Orangeburg District; The Mount Bethel Baptist Church, in Anderson District; The Baptist Church, at Chester, South Carolina; St. Luke's Church, in the city of Charleston; The Bethesda Baptist Church, in Anderson District; The Providence Methodist Episcopal Church; The First Creek Baptist Church, in Anderson District; Williston Academy, in Barnwell District; Fairfield Division, No. 13, Sons of Temperance, are hereby declared and constituted bodies corporate and politic.

II. That John T. Broyles, B. F. Mauldin, James D. Smith, Archy M. Smith and F. A. Hoke, and their successors in office, be, and they are hereby, declared and constituted a body politic and corporate, by the name and style of "The Trustees of the Williamston Male Academy," and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State; may have a common seal, and the same may alter at pleasure; may make such by-laws, rules and regulations, not inconsistent with the laws of the land, for the organization and government of the said corporation, as may be deemed necessary or expedient, and generally may have and enjoy all the rights, powers and privileges incident to corporations.

III. That the said churches, societies and associations shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws; and shall have power, respectively, to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien, or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of twenty thousand dollars.

Williamston
Male Academy.

Officers, and
duties.

IV. That the charters of Grace Church, Camden; the Darlington Presbyterian Church; the Milford Baptist Church of Greenville District; "the Trustees of the Rock Church," in Abbeville District; the Paolet Baptist Church, in Union District, be, and the same are hereby, renewed, with all the rights, powers and privileges heretofore granted to them respectively.

A. D. 1858.

Charters renewed.

V. That the Right Reverend Thomas F. Davis, Peter J. Shand, J. J. Roberts, C. P. Gadsden, Henry D. Lesesne, A. P. Aldrich and Joseph B. Kershaw, and their successors in office, be, and they are hereby, declared and constituted a body politic and corporate, by the name and style of "The Theological Seminary of the Protestant Episcopal Church in the Diocese of South Carolina," and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State; may have a common seal, and the same may alter at pleasure; may make such by-laws, rules and regulations, not inconsistent with the laws of the land, for the organization and government of the said corporation, as may be deemed necessary or expedient, and generally may have and enjoy all the rights, powers and privileges incident to corporations.

Episcopal
Theological
Seminary.

VI. That the said corporation shall have power to appoint all such officers and instructors as may be deemed advisable for the interest of the said Seminary, and may confer and award all such distinctions, honors, licenses and degrees as are usually conferred or awarded in Theological Universities of the United States.

Power.

VII. That the said corporation shall be, and is hereby, authorized and empowered to hold, possess and enjoy all such property, real or personal, as may be given, devised or bequeathed to it, or in any manner acquired by it, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the value of such real estate shall not exceed the sum of one hundred thousand dollars.

May hold
property.

VIII. That all the powers, rights and privileges granted to the stockholders of "The Spartanburg Female Association," by an Act entitled "An Act to incorporate the Spartanburg Female College," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, be, and the same is hereby, conferred upon the South Carolina Annual Conference of the Methodist Episcopal Church, South," and that the charter of the said Spartanburg Female College Association be, and the same is hereby, so altered and amended as to conform to the charter heretofore granted to the "Columbia Female College," by an Act entitled "An Act to incorporate the Columbia Female College," ratified on the twenty first day of December, in the year of our Lord one thousand eight hundred and fifty-four.

Privileges
conferred.

IX. That an Act entitled "An Act to incorporate the Presbyterian Church in Abbeville District, heretofore known as the Rock Creek Church," ratified the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-four, be, and the same is hereby, so amended that the name and style thereof shall be "The Rock Church," in Abbeville District, and that the male white communicating members, together with the Pastor of the said church for the time being, be, and the same are hereby, declared and constituted the corporators of said church.

Rock Church.

X. That the Trustees of said church shall be elected every four

A. D. 1858.

Trustees.

years, and should there, at any time, be an omission of fourteen years to elect said Trustees, the property held by them in trust shall be, and the same is hereby, vested in the Presbytery within which the said church is located.

Amount of property.

XI. That the said corporation be, and the same is hereby, authorized to hold property to the amount of ten thousand dollars, with the increase thereof.

Retreat Church.

XII. That the white communing members for the time being of the Presbyterian Church in Pickens District, known as Retreat Church, (being a Presbyterian congregation, holding the Westminster Confession of Faith, and connected with the Old School General Assembly of the Presbyterian Church of the United States of America,) be authorized to elect three Trustees by a plurality of votes, and that the said Trustees and their successors be appointed as hereinafter directed, shall be, and they are hereby, created a body politic, by the name and style of "The Trustees of Retreat Church," whose duty it shall be to take charge and management of the lands, buildings and other temporalities and property of the said church, in trust, according to the tenor of this Act.

Trustees, how elected.

XIII. That so long as the said church, (or any congregation to be organized in its stead from time to time, as hereinafter provided for,) shall hold the said Confession of Faith, and shall not be dissolved by the superior judicatories to which it is attached and subject, nor become extinct, every vacancy which may from time to time occur among the said Trustees, by death, removal from the State, or resignation, shall be filled by an election to be made by the white communing members in the manner aforesaid.

Duty of Trustees.

XIV. That in case said church (or any congregation to be organized in its stead, as in this Section is hereinafter provided,) should at any time cease to hold said Confession of Faith, or be dissolved as aforesaid, or become extinct, the Trustees shall thenceforth hold and manage the said lands, buildings, temporalities and property in trust for said church or congregation, as may, from time to time, be afterwards duly organized at or near the present church buildings, according to discipline of the Old School Presbyterian Church of the United States of America; and in the interim, viz: (while from a cessation to hold said Confession of Faith, or from a dissolution as aforesaid, or from extinction, the said church, or any congregation organized in its stead, as aforesaid, is not authorized by the foregoing provisions to fill the same,) the filling of vacancies in the number of said Trustees shall belong to such Presbytery of said denomination as shall include the site of the church buildings for the time being within its boundaries.

Duration.

XV. That the congregation hereby established be allowed to hold property upon trust, aforesaid, to the value of five thousand dollars, exclusive of the increase, and also the increase value of the property after its acquisition by them, and the Act remain and continue in force for and during the term of fourteen years from the ratification thereof.

XVI. That B. Manly, J. B. Kendrick, B. C. Pressley, W. B. Johnson, J. C. Furman, J. G. Landrum, T. P. Lide, Iverson L. Brooks, C. J. Elford, J. M. Chiles, A. Walker, G. W. Samson, J.

B. Jeter, J. L. Pritchard, Thomas Stocks, W. P. Chiltan, M. W. Phillips, J. H. Low, R. B. C. Howell, D. R. Campbell, James E. Broome, R. C. Burlison, A. L. Hay, W. M. McPhenan, and their successors in office, Trustees of "The Southern Baptist Theological Seminary," an institution of learning to be located at Greenville, South Carolina, shall be, and they are hereby, created and constituted a body politic and corporate by the name and style of "The Southern Baptist Theological Seminary," and by said name shall have perpetual succession of officers and members, according to the by-laws they may establish; and for that purpose the said corporation shall have power to ordain all such by-laws for the regulation of their succession and government, and for the organization and government of the said institution of learning as they may deem necessary, not inconsistent with the Constitution and laws of this State, or of the United States; to have, use and keep a common seal, and the same to break and alter at will; to sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, or the United States, and to have and enjoy every right, power and privilege incident to such corporations; and the said corporation is hereby empowered to have, hold, retain, possess and enjoy all such property, real and personal, as they now have or are entitled to, or which shall hereafter be given, granted or derived thereto, or in any manner acquired thereby, and the same to sell, alien or transfer at pleasure: *Provided*, That the sum so held shall not, at any one time, exceed in value the sum of five hundred thousand dollars.

A. D. 1858.

Southern Baptist Theological Seminary.

Rights and powers.

XVII. That Robert Adger, Archibald Campbell, and their associates and successors, male white communing members of the Zion Presbyterian Church of Charleston, be, and they are hereby, constituted a body politic and corporate, with all the rights, powers and privileges incident and appertaining thereto, by the name and style of the Zion Presbyterian Church, of Charleston; which said corporation may have, hold, possess, enjoy, mortgage, sell, alien and transfer property, real and personal, to an amount not exceeding two hundred thousand dollars.

Zion Presbyterian Church.

XVIII. That Albert Evans, Leonidas Lowry, Evander David, W. J. Boggan, Jackson Miller, and their associates and successors, be, and the same are hereby declared to be, a body politic and corporate, by the name and style of the "White Plains Educational Society, of Chesterfield District;" and that said corporation may sue and be sued, plead and be impleaded in any court of law or equity in this State; may adopt and use a common seal, and the same may alter at pleasure; may make, and from time to time alter or modify such by-laws, rules and regulations, not inconsistent with the laws of the land, for the organization and regulation of the said corporation as may be deemed necessary or expedient; may be capable of holding any real estate, not exceeding the value of fifty thousand dollars, and generally may have and enjoy all the rights and privileges incident to bodies corporate.

Educational Society.

May hold real estate.

XIX. That Thomas E. Powe, William Godfrey, John J. Westervelt, James P. Harrell and Henry W. Harrington, Vestrymen, and Oliver H. Kellock and James Gillespie, Wardens of St. David's Church, in the town of Cheraw, and their successors in office, forever

St. David's Church, Cheraw.

A. D. 1858.

Powers.

be, and they are hereby, constituted and declared a body corporate, in deed and in law, under the name and title of "St. David's Church, Cheraw." The said corporation shall have power to make all needful by-laws, rules and regulations for its government and the administration of its affairs, not repugnant to the laws of the land or the canons of the Protestant Episcopal Church in this State; to provide for perpetual succession of officers and members; to have, use and keep a common seal, and the same to alter, change, break and make new, as often as it may be deemed expedient, and by its corporate name aforesaid to sue and be sued, implead and be impleaded, answer and be answered unto, in any court in this State; and shall have and enjoy every other power, authority and privilege which is vested by law in any other Episcopal Church in this State. The said corporation shall be able and capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself, in perpetuity, or for any term of years, any estates, goods, chattels, lands or tenements of what kind or nature soever, not exceeding the value of fifty thousand dollars; and to sell, alien or lease the same, or any part thereof, or to grant or convey any interest or right in the same, or any part thereof, as to the said corporation shall seem proper.

Duration.

XX. That this Act shall be deemed and taken to be a public Act, and continue in force for twenty-one years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4404. AN ACT TO AUTHORIZE THE FORMATION OF A NEW VOLUNTEER COMPANY OF ARTILLERY WITHIN THE LIMITS OF THE FIFTEENTH REGIMENT OF INFANTRY, SOUTH CAROLINA MILITIA.

Washington Artillery.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General of the State of South Carolina be, and he is hereby, empowered to inspect, and receive into the Fifteenth Regiment of Infantry, South Carolina Militia, a new Volunteer Company of Artillery, to be styled the "Washington Artillery Company," any law to the contrary notwithstanding.

Officers, &c.

II. The said Company shall have attached to the same:—One Captain, two Lieutenants, one Ensign, four Sergeants, four Corporals, one Clerk, and two Musicians, and shall consist of not more than eighty men, nor less than thirty, including officers, non-commissioned officers and privates, any law to the contrary notwithstanding. And whenever reduced below the number of thirty men, above required, and it shall not recruit to such number within six

months after notice to its commander to fill up its ranks, it shall be disbanded, and the commissions of its officers vacated.

III. That the said company shall be subject to all laws and regulations governing the Fifteenth Regiment of Infantry, South Carolina Militia, and shall conform to all requisitions of the laws of this State in relation to the reception of volunteer companies, and all other militia laws of force in this State, or hereafter to be made of force, except as herein provided.

A. D. 1858.



Regulation.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REVIVE THE CHARTER OF "THE SOCIETY FOR THE RELIEF OF THE ELDERLY AND DISABLED MINISTERS, AND OF THE WIDOWS AND ORPHANS OF THE CLERGY OF THE INDEPENDENT OR CONGREGATIONAL CHURCH IN THE STATE OF SOUTH CAROLINA." No. 4405.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of "The Society for the Relief of the elderly and disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church, in the State of South Carolina," ratified the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, be, and the same is hereby, revived and re-enacted, with all the rights, powers and privileges therein conferred and granted.

Charter received.

II. That this Act be, and the same is hereby, declared a public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED. No. 4406.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons, citizens of the United States, who have resided six months in the village of Pickensville, shall be, and the same are hereby declared to be, a body politic and corporate, by the name and style of Pickensville, the corporate limits whereof

Pickensville.

A. D. 1858.

shall extend one-half of a mile in every direction from the hotel now standing in said village, and the said corporation is hereby invested with all the powers and privileges, and subjected to all the restrictions and conditions, which by law are now conferred and imposed upon the corporation of the town of Anderson.

Branchville.

II. That all free white persons residing, or who shall hereafter reside, in the village of Branchville, in the District of Orangeburg, are hereby incorporated for the space of fifteen years, under the name of the village of Branchville; and the corporate limits of said village of Branchville shall extend one mile in all directions from the eating house between the two railroads.

Town Council.

III. The Town Council of said village of Branchville shall consist of an Intendant and four Wardens, to be elected on the first Monday of February, in the year of our Lord one thousand eight hundred and fifty-nine, and on the same day of each year thereafter, and all persons being free white men of the age of twenty-one years, and who are inhabitants of said village twelve months before an election, shall have a right to vote for said Intendant and Wardens.

Powers.

IV. The said Town Council of Branchville shall have all the powers and authority, and be subject to all the liabilities and restrictions contained in the Act or Acts of the General Assembly for the incorporation of the village of Orangeburg, and the amendments thereof.

Williston.

V. That all free white persons who now reside, or may hereafter reside, in the village of Williston, in Barnwell District, shall be, and they are hereby, declared a body politic and corporate, by the name and style of the village of Williston, and its corporate limits shall extend half a mile in each and every direction from the railroad depot now standing in said village.

Intendant and Wardens.

VI. That the said village shall be governed by an Intendant and four Wardens, who shall be persons that actually reside within the corporate limits thereof, and shall have so resided for at least twelve months next preceding the elections, and own a freehold therein; and all free white male inhabitants of the age of twenty-one years, who shall have resided within the limits of said corporation for six months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Powers same as held by Barnwell.

VII. That for the purpose of organizing and maintaining their municipal government, the said corporation is hereby invested with all rights, powers and privileges, and subjected to all the duties and liabilities conferred and imposed upon the corporation of the town of Barnwell by an Act entitled "An Act to renew and amend the charter of the town of Barnwell," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven: *Provided*, That the said Intendant and Wardens shall not have power to impose an annual tax on slaves of not more than twenty-five cents each, nor on free persons of color to more than two dollars each: *And provided, further*, That the first election for Intendant and Wardens of said village shall be held at Williston on the second Monday in February next, the managers to be appointed and ten days' previous public notice of said election to be given by the Clerk of the Court of Common Pleas for Barnwell District.

VIII. That the charter of the town of Marion be, and the same is hereby, renewed and extended for the term of ten years after the expiration of its present charter.

A. D. 1858.

Marion.

Blackville.

IX. That the charter of the town of Blackville be, and the same is hereby, so amended as to invest the said corporation with all the powers, rights and privileges, subject to the same restrictions and conditions, as are conferred and imposed upon the corporation of the town of Barnwell by an Act entitled "An Act to renew and amend the charter of the town of Barnwell," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, except that the corporate limits of the town of Blackville shall extend half of a mile in every direction from the railroad depot now standing in said town; that the Intendant and Wardens shall have resided within the corporate limits for the space of twelve months previous to the day of election, and be possessed of real estate situate within said corporate limits; that all white male inhabitants who may have resided within said corporate limits six months previous to the day of election shall be entitled to vote for Intendant and Wardens; and that the Intendant and Wardens shall not have power to impose an annual tax on slaves of more than twenty-five cents each, or on free persons of color of more than two dollars each.

Qualification of Intendant and Wardens.

X. That the Town Council of the town of Cheraw be, and they are hereby, authorized and empowered to convey to the Cheraw Lodge, No. 15, Ancient Free Masons of South Carolina, the right to the exclusive use and control of the upper story of the building now being erected on the public square of the said town; also to convey to the Cheraw Lyceum the right to the use of the lower story of said building, upon such conditions as may be agreed upon; and also, to convey to the said Cheraw Lyceum the right to the exclusive use and control of the brick building situated on said public square, and now used by said Lyceum as a library room.

Authority to Town Council of Cheraw.

XI. That the sixteenth Section of an Act, entitled "An Act to incorporate certain Towns and Villages, and to renew and amend certain charters heretofore granted," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be, and the same is hereby, so amended, as that the holders of real estate in the town of Georgetown be, and the same are hereby, exempted from the payment of the capitation tax provided for in said Section, and that such holders of real estate shall be entitled to vote at any municipal election in said town, upon the production of a certificate of registration, which they shall be entitled to receive without the payment of such capitation tax, if otherwise entitled to vote according to the charter of the said town.

Exemption from capitation tax.

XII. That the charter of the town of Georgetown be, and the same is hereby, amended so that the Town Council of the said town shall have authority to appoint a public weigher of cotton, a measurer of wood and timber, and an inspector of naval stores, held for sale in said town, whose duty it shall be to weigh, measure or inspect these articles severally, in the manner to be prescribed by said Town Council, with power in said Council to lay such a tax on the articles so weighed, measured or inspected, as may be sufficient to remunerate the person or persons so employed for the services rendered:

Town Council of Georgetown to appoint officers.

A. D. 1858.

Provided, That nothing herein contained shall be so construed as to prevent the said Council from appointing the same person to the several offices provided for in this Section.

Four Wards
in Columbia.

XIII. That the Mayor and Aldermen of the City of Columbia be, and the same are hereby, authorized to divide the said city into four wards, and that at the first municipal election, after such division, three Aldermen shall be elected from each ward, who, with the Mayor, shall constitute the City Council of Columbia, nine or more of whom, including the Mayor or Mayor *pro tempore*, shall constitute a quorum to do the business of the Council.

Voters to show
receipt for tax-
es.

XIV. That in addition to the qualification of voters for Mayor and Aldermen of the City of Columbia, the Managers of Elections shall, at the request of any corporator, require of any person offering to vote at any such election, a certificate or receipt showing that the person offering to vote has paid his taxes due to the city, whether by way of commutation for patrol and street duty, or otherwise, for the year preceding such election, or satisfactory evidences of his discharge from the payment of such taxes; and, on failure to comply with this requirement, said person shall be debarred from voting at said election.

Work House.

XV. That it shall be lawful for the City Council of Columbia to establish a work-house within the corporate limits of the said city, and commit to the same any vagrant who may be found within said city for any time not exceeding thirty days.

Mount Pleas-
ant to embrace
Hilliardville.

XVI. That the limits of the Town of Mount Pleasant be so extended as to embrace the village now called "Hilliardville," as defined and determined on a plan or plat drawn by Robert K. Payne, Surveyor, and recorded in the office of the Register of Mesne Conveyance for Charleston District, and that the said extended limits shall be subject to the same ordinances, rules and regulations, and be entitled to the same powers, rights and privileges, as are now vested in the town of Mount Pleasant; and that every free white inhabitant of the said town of Mount Pleasant, who is constitutionally qualified to vote for members to represent the State in either branch of the Legislature, and, in addition to these qualifications, shall have resided within the limits of the town six months immediately previous to the election, or who shall have owned, for six months, a lot in the town, liable to a town tax, shall and may be entitled to vote for Intendant and Wardens of the town of Mount Pleasant. That hereafter no person shall hold the office of Intendant or Warden who does not reside at least six months in the year in the said town.

Who may vote.

XVII. That all Acts and parts of Acts heretofore passed inconsistent with this Act be, and the same are hereby repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES,
AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE
GRANTED.

A. D. 1858.

No. 4407.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a new road be, and the same is hereby, established as a public highway, leading from a point on the old river road in St. Stephen's Parish, near Smith's Curriboo Pine-land settlement, to the St. Stephen's Depot, and from thence to the said river road, near the St. Stephen's Church; and that P. G. Gourdin and Philip E. Porcher, be appointed Commissioners to lay out and open said road.

New road.

II. That McNary's Ferry, across the Big Saluda River, be re-chartered for the space of one year, and that the same be vested in John McNary, his heirs and assigns, with the same rates of toll now allowed by law.

McNary's Ferry.

III. That the Beaufort or White Hall Ferry, from the town of Beaufort to Lady's Island, be re-chartered for the term of seven years, and be vested in William A. Morcock, his heirs and assigns, with the same rates of toll as now allowed by law. And the said William A. Morcock is hereby authorized and empowered to establish hours for the transportation of passengers and freight across said ferry, as follows, to wit: To leave the Beaufort side at the even hours, and the White Hall side at the odd hours during the day, from 6 o'clock A. M. until 7 o'clock P. M.: *Provided, nevertheless*, That the said William A. Morcock shall be at liberty, and is hereby authorized, to change such hours, from the first of November to the first of April, in such manner as shall best promote the convenience of the traveling public.

Beaufort Ferry.

IV. That a new road be, and the same is hereby, established as a public highway, leading from Pendleton village, in Anderson District, by Warren Martin's, Thomas Crenshaw's and Watkins' Tan Yard, and crossing Twenty-three Mile Creek at Melton's Bridge, to intersect the road leading from Anderson Court House to Pickensville, at a point at or near Forbis' old place, (now Ritchey's); and that J. B. E. Sloan, Thomas C. Watkins and Warren Martin, be appointed Special Commissioners to lay out and establish said road.

New road in Anderson.

V. That the charter of the Gap Creek and Middle Saluda Turnpike Company be, and the same is hereby, amended, so as to empower the said company, after the completion of said Turnpike road, to establish and collect the following rates of toll, in lieu of those now allowed by law, to wit: For every wagon drawn by six horses, mules or oxen, one dollar; for every wagon drawn by five horses, mules or oxen, eighty-five cents; for every wagon drawn by four horses, mules or oxen, seventy-five cents; for every wagon drawn by three horses, mules or oxen, sixty-five cents; for every wagon drawn by two horses, mules or oxen, fifty cents; for every wagon drawn by one horse, mule or ox, twenty-five cents; for every pleasure carriage or vehicle used for the conveyance of passengers, drawn by four horses, mules or oxen, one dollar; for every such carriage or vehicle, drawn by three horses, mules and oxen,

Gap Creek and Middle Saluda Turnpike Company.

A. D. 1858.

eighty-five cents; for every such carriage or vehicle, drawn by two horses, mules or oxen, seventy-five cents; for every two-wheeled vehicle for pleasure or conveying passengers, fifty cents; for every vehicle drawn by one horse, mule or ox, twenty-five cents; for every horse and rider, (except the driver of vehicles,) ten cents; for each head of horses, mules or cattle, two cents; for each head of sheep, goats or hogs, one cent; and for each foot passenger, five cents.

New road in Orange.

VI. That a new road be, and the same is hereby, established as a public highway, in Orange Parish, leading from the Bull Swamp road across the Edisto River, at Shilling's Bridge, to the "96" road; and that Wesley Culler and C. B. Glover, be appointed Special Commissioners to lay out and open said road.

New road in Greenville.

VII. That a new road be, and the same is hereby, established as a public highway, in Greenville District, leading from a point on the Rutherford road, near the residence of Edward L. Whitaker, to Tyre Roberts', along or near the road laid out by Dr. Hillhouse; and that E. S. Irvine and Henry T. Thompson be appointed Special Commissioners to lay out and open said road.

New road in Lancaster.

VIII. That a new road in Lancaster District be, and the same is hereby, established as a public highway, leading from the Steel Creek or Charlotte road, below W. J. Cureton's shop, and running by the Waxhaw M. E. Church and R. C. Vaughan's, to the river road, at the plantation of the late Dr. G. L. Massey; that the same be located, as near as practicable, on the bed of the present country road, and directly along the said country road through the plantation of the said Dr. G. L. Massey, deceased; and that James Miller and J. C. Caldwell be appointed Special Commissioners to locate said road.

Manning road.

IX. That the Manning Road, in Clarendon District, be continued from Captain Lee's Muster Ground, at the junction of the Jones' Road, on the most practicable route by Elizabeth Floyd's, Joel Allen's and John Lee's, Jr., to the Williamsburg line; and that W. J. Lee, S. M. Chandler and A. H. Thompson be appointed Special Commissioners to lay out and establish said road.

Road in Laurens.

X. That the road leading from Mrs. Lydia Jones', in Laurens District, to S. Kroft's, in Union District, be established and declared a public highway; and that the Commissioners of Roads for said Districts be charged with the opening and working said road within their respective jurisdiction.

Road in Pickens.

XI. That the road in Pickens District leading from Picken's C. H. to Cheohee, be changed, under the direction of the Commissioners of Roads for the Second Regiment, South Carolina Militia; and that Miles M. Morton, Caswell Hester and Morris Miller, be appointed Special Commissioners to lay out and establish said change.

Garner's Ferry re-chartered.

XII. That Garner's Ferry, across the Wateree River, be re-chartered for the term of seven years, and the right thereof vested in E. Barnwell Heyward, his heirs and assigns, with the same rates of toll as formerly allowed by law.

Road in Chester.

XIII. That the road leading from the old Bethlehem Church through the lands of Walker Watson, across Lee's Creek, and through James Young's land to the Charleston Road, near to

Charles Bell's, in Chester District, be, and the same is hereby, established as a public highway; and that R. N. Hemphill, Major James Boyd and John Strong be appointed Special Commissioners to open and lay out said road.

A. D. 1858.

XIV. That the General Board of Commissioners of Roads, Bridges and Ferries for Pickens District, be, and they are hereby, authorized and empowered to elect a Treasurer, as well as the second and fifth or sub-bonds of said District: *Provided*, That but one commission of five per cent. shall be allowed for receiving and disbursing the joint funds of the several Boards.

Commissioners of Roads for Pickens to elect a Treasurer.

XV. That a new road be laid out and established in Sumter District, beginning at some point on the public road leading from White's Mill to Nelson's Crossing, at the plantation of Col. F. J. Moses, across the causeway at Rocky Bluff, established by him, and running to or near the site of the old steam mill, formerly or now owned by T. J. Coghlan & Co., in the vicinity of the town of Sumter; the road to be located in conformity with the one laid out by the Commissioners of Roads for said District, and that Thomas B. Fraser, John O. Heriot and George W. Lee be appointed Commissioners to establish said road; and should they deem it proper to run the road through the land of Wm. Haynsworth, Esq., they shall do so with the least possible injury to him, having a due regard to public convenience.

New road in Sumter.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CHAUGA LIME AND MANUFACTURING COMPANY. No. 4408.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William R. Jones, Robert Maxwell, Jr., and J. L. Simpson, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Chauga Lime and Manufacturing Company," for the purpose of digging, burning and vending lime, and for the carrying on such branches of manufacture as they may deem expedient, and for the further purpose of exploring for copper and other ores, minerals and metals, and for mining, working, smelting, manufacturing and vending the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any courts of equity or law whatsoever, in all suits and actions; may have a common seal, and the same may alter at pleasure; and may purchase, hold or convey, real estate, and enjoy and have all the privileges incident to corporations.

Chauga Lime and Manufacturing Company.

A. D. 1858.

Organization.

II. That the first meeting of said corporation may be called by the persons named in this Act, at such time and place as may be agreed upon by the persons named in this Act; and at said meeting, and at all other meetings legally notified, said corporation may make, alter and amend or repeal, such by-laws and regulations, for the management of the business of said corporation, as a majority of the stockholders may direct, not repugnant to the laws of this State, or the United States.

Management.

III. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient; and the said corporation may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, in such manner as the by-laws may direct.

Stockholders.

IV. That the Directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence, and the number of shares of stock held by each respectively, and the times when they became, respectively, owners of said shares, and the amounts of stock actually paid in; which book shall, during the business hours of each secular day, be open at the place of business of said company for the inspection of the stockholders and creditors of the company and their representatives.

Capital.

V. That the capital stock of said company shall not exceed the sum of fifty thousand dollars, and the members of the same shall be jointly and severally liable, as individuals, for all debts and contracts made by the said corporation, until five thousand dollars of capital shall have been actually paid in, no part of which shall be thereafter withdrawn, or in any manner diverted from the objects of the company herein expressed, without the consent of all the stockholders, signified in writing; and the said corporation shall not contract debts to an amount greater than the amount of its capital stock.

Duration.

VI. That this Act shall be deemed and taken to be a public Act, and continue of force for the term of twenty-one years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4409. AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS.

Duty of Magistrates.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of all Magistrates, clergymen, and

others, who perform marriage ceremony in South Carolina, to keep a registry of all marriages celebrated by them, together with date, names, ages, residence and nativity of parties.

A. D. 1858.

II. That it shall be the duty of all physicians and midwives to keep a registry of all births and deaths, at which they have attended professionally, which registry shall show, in case of *white births*, the time and place, names and residence of parents, sex and name of child, (if it have the latter,) and whether born alive or dead; in case of *deaths of whites*, the date, place and cause of death, name, age, sex, whether single or married, occupation, residence and nativity of the deceased, with names and surnames of parents; in case of *births and deaths of slaves*, the same items, together with the name of the owner, instead of the name of the deceased and the names of parents.

Duty of Physicians and Midwives.

III. That it shall be the duty of all physicians, clergymen and midwives to deliver to the Tax Collector of the District in which such births occur, while he is collecting taxes in every year, the said registries, or copies of them, embracing the period of one year, ending on the thirty-first day of December preceeding.

Registries—when returnable.

IV. That it shall be the duty of each Tax Collector, while attending to the other business of his office, to ascertain, number and record, in the order in which they are received (in blank books to be furnished him for that purpose) all the births, marriages and deaths which have occurred in the District during the year preceeding the first day of January previous, with all the items as inserted in the registries above named. He shall make strict inquiry of individuals and heads of families, and also make use of the registries of physicians above named, in order to obtain the correct information and complete his lists; after completion of said lists, the Tax Collector shall make out and attach thereto a complete alphabetical index of the same, and he shall return, on oath, the books containing said records and index to the Comptroller General at the time when he makes his general tax returns.

Duty of Tax Collectors.

V. That the Tax Collectors shall be entitled to retain, out of the taxes collected by them, five cents for collecting, recording and indexing a complete return of each birth, death and marriage required by this Act.

Fees.

VI. That any citizen refusing to give the necessary information, and any Tax Collector, clergyman, physician, Magistrate or midwife refusing to comply with the requisitions of this Act, shall be fined for each offense ten dollars, which fine shall be recovered by any person who shall sue before a Magistrate for the same, one-half thereof to the use of the said complainant, and the other half to the State.

Penalty for refusal.

VII. That it shall be the duty of the Governor to appoint a Registrar, under whose order the necessary registry blanks and books, together with such printed instructions as he may deem proper, shall be prepared and furnished, at the expense of the State, to the different Tax Collectors. It shall be the duty of the Registrar also to receive from the respective offices of the Comptroller General in Charleston and Columbia, the returns of the Tax Collectors, and to prepare a report therefrom, containing tabular statements, which shall show, in a condensed form, the information

Governor to appoint Registrar.

A. D. 1858.
Annual Report to be printed.

required to be preserved, keeping the statistics of each District separate, together with practical observations upon said tables, and to cause one thousand copies of said report to be printed in pamphlet form, on or before the fourth Monday in November in every year, filing a copy in each Comptroller's office, and delivering to each Tax Collector a copy also.

Salary.

VIII. That the salary of the Registrar shall be five hundred dollars per annum for the services of himself and such clerks as he may find necessary.

Books to be bound.

IX. That it shall be the duty of the Registrar also to return the registry books to the Comptroller after said report is printed, and the Comptroller shall have those of each year bound together in volumes, to be preserved thereafter in his office for further reference.

Certificate of Comptroller.

X. That a duly certified copy of any return of birth, death or marriage, given by the Comptroller or his deputy, shall hereafter be admitted and received in all courts of this State as *prima facie* evidence of any such birth, death or marriage recorded or so certified. For each certificate of birth, death or marriage, the Comptroller shall be entitled to a fee of one dollar, to be paid by the party applying for it.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4410. AN ACT TO INCORPORATE THE GEORGETOWN RAILROAD COMPANY.

Corporate name.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by railroad from Georgetown to some point on the Northeastern Railroad, within the District of Williamsburg, the formation of a corporate company is hereby authorized, to be called the Georgetown Railroad Company, which, when formed in compliance with the conditions hereinafter prescribed, shall have existence as a body politic and corporate in this State.

Authority.

II. That said company is hereby authorized to construct a railroad from the town of Georgetown to some point on the Northeastern Railroad, within the District of Williamsburg, by a route to be determined by said company after the same shall have been formed.

Commissioners to open books.

III. That for the purpose of raising the capital stock of said company it shall be lawful to open books in the town of Georgetown, under the direction of Leonard Dozier, W. J. Munro and Thomas R. Sessions; at Kingstree, under the direction of Samuel P. Matthews, Wm. H. Kinder and James E. Metts; at Charleston,

under the direction of A. F. Ravenel, Samuel Y. Tupper and Daniel Horlbeck; and at Manning, under the direction of J. J. Ingram, Henry D. Kelly and P. M. Butler, for the purpose of receiving subscriptions to an amount not exceeding six hundred thousand dollars, in shares of fifty dollars each; the amount so subscribed to constitute a joint stock capital for the purpose of constructing and carrying into operation the railroad provided for by this Act.

A. D. 1858.

IV. That the times and places for receiving such subscriptions shall be fixed by the Commissioners in the town of Georgetown, or a majority of them, and shall be advertised for thirty days in one or more newspapers in this State, and the books for receiving such subscriptions shall be kept open for sixty days at each of the places where the same shall be opened.

Times and places to be advertised.

V. That on each share of the stock subscribed the subscriber shall pay to the Commissioners receiving such subscription the sum of one dollar, and no subscription shall be valid without such payment; and at the expiration of the time hereby prescribed for keeping open the books, the said Commissioners shall make a return of the subscriptions taken by them and the sums paid thereon to the Commissioners in the town of Georgetown.

Subscriptions.

VI. That when the sum of one hundred thousand dollars shall be subscribed for in manner herein prescribed, the subscribers shall be, and they are hereby declared to be, a body politic and corporate, by the name and style of the "Georgetown Railroad Company," and may meet and organize the said company at such time and place as may be designated by a majority of the Commissioners herein named for the town of Georgetown, due notice having been first given.

When organized.

VII. That for the purpose of organizing and forming this company all the powers conferred by the charter of the Northeastern Railroad Company on the Commissioners therein named shall be vested in the Commissioners named in this Act; and all the powers, rights and privileges granted by the charter, and the amendments thereto, of the Northeastern Railroad Company to that company, shall be, and the same are hereby, granted to the Georgetown Railroad Company, subject to the conditions therein contained, except as to the amount of the capital stock, the sum necessary to authorize organization, and except in so far as the special provisions of this Act may otherwise require the same to be modified or varied.

Powers and privileges.

VIII. That this Act shall be deemed a public Act and continue in force for fifty years: *Provided*, That the work for the execution whereof the said company is incorporated shall be commenced within three years from the first day of January next, and be completed within ten years thereafter.

Duration.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1858. AN ACT TO AFFORD FURTHER AID TO THE NORTHEASTERN
 RAILROAD COMPANY.
 No. 4411.

Indorsement
 by the State.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General be, and he is hereby, authorized and directed to indorse the guaranty of the State upon one hundred thousand dollars of the bonds of the Northeastern Railroad Company, which are secured by the first mortgage executed by the said company, whenever the said company may desire to issue such bonds.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4412. AN ACT TO AUTHORIZE THE NORTHEASTERN RAILROAD COMPANY TO CONTINUE THE USE AND PRESENT LOCATION OF THEIR TRACK, NEAR THE CITY OF CHARLESTON, KNOWN AS THE CROSSING OF THE MEETING STREET ROAD.

May use its
 track.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Northeastern Railroad Company be, and are hereby, authorized to continue the use and present location of their track, near the City of Charleston, known as the crossing of the Meeting Street Road.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4413. AN ACT TO EXTEND THE CHARTER OF THE SOUTHWESTERN RAILROAD BANK.

Charter ex-
 tended.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Southwestern Railroad Bank be, and the same is hereby, renewed for the term of twenty years, from the first day of January, which will be in the year of our Lord one thousand eight hundred and sixty.

II. That said Bank shall, during the said term of twenty years, be permitted to enjoy all the rights, powers and privileges, which it now enjoys under the existing charter of the said Bank, subject, however, to the restrictions, limitations and conditions of this Act.

A. D. 1858.
Powers and privileges.

III. That the capital stock and other property of the said Southwestern Railroad Bank shall be liable to taxation in the same manner as the capital stock and other property of individuals, and of other corporations: *Provided*, That no municipal corporation shall tax the capital stock or profits of said Bank, without authority first had and obtained from the Legislature.

Capital liable to taxation.

IV. That the South Carolina Railroad Company shall continue liable, as heretofore, for the debts now incurred, or hereafter to be incurred by the said Bank; and before this renewal of charter shall take effect, the said South Carolina Railroad Company shall assent to this condition, in due form of law.

S. C. R. R. Co. liable for Bank

V. It shall not be lawful for the said Bank, except in settlement with other Banks, to pay or deliver out in payment or satisfaction of any demand upon it, or by way of loan or discount, any bill, note, check, or other paper of any other Bank; and for each and every violation of this Section, the said Bank shall be subject to the payment of one hundred dollars, to be recovered by action of debt, at the suit of the State, and appropriated, one-half to the use of the State and the other half to the informer.

Restriction on notes.

VI. The bills or notes of the said Southwestern Railroad Bank shall be receivable by the Treasurers, Tax Collectors, and other public officers, in payment for taxes, and other moneys due to the State, no longer than while the said Bank shall promptly pay, on demand, gold or silver current coin for its notes; but whenever the said Bank shall refuse or delay to pay any of its notes in gold or silver current coin, or whenever there shall be a protest of any of the bills or notes of the said Bank for non-payment in specie, it shall be the duty of the Comptroller General to forbid the receipt of the bills or notes of the said Bank for taxes and other public dues, unless satisfactory reasons be shown him, by the said Bank, for contesting, in a Court of Justice, the payment of such protested bills or notes.

Bills receivable for taxes, when.

VII. The officers of said Southwestern Railroad Bank shall not be exempt from militia duty, or from serving on juries.

Not exempt from militia or jury duty.

VIII. That the said Bank shall be subject to the provisions of an Act entitled "An Act to provide against the suspension of specie payments by the Banks of this State," ratified the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty; also, to the provisions of an Act entitled "An Act for the suspension of certain Sections of certain Acts, and for other purposes," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven; and, also, to such regulations and restrictions as the Legislature shall, from time to time, impose: *Provided*, That the acceptance of this renewal of charter, or of any Act passed at this session of the General Assembly, or of the benefit of any provision thereof, either by the Southwestern Railroad Bank or by the South Carolina Railroad Company, or by both, shall in no wise subject the South Carolina Railroad Company to the operation of the forty-first Section of an Act entitled

Provisos.

A. D. 1858.

“An Act to incorporate certain Villages, Societies and Companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which Charters of Incorporation will hereafter be granted,” ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one; and that the said South Carolina Railroad Company be, and is hereby, expressly exempted from the operation of the same, so far as the said renewal of charter is concerned.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4414.

AN ACT TO SECURE THE PURITY OF ELECTIONS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person, not qualified by the Constitution and laws of this State shall, knowing the same, vote at any election hereafter to be held within the State for Members of the Congress of the United States, Members of the Legislature of this State, Sheriff, Clerk, Ordinary, or other District officers, Mayor and Aldermen of any city, Intendant and Wardens of any incorporated town, officers of the Militia or Volunteer organizations of the State, or at any other election now required, or that shall hereafter be required by law to be held within this State, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined and imprisoned at the discretion of the Judge before whom the case shall be tried.

Unqualified persons voting.

Punishment.

II. If any person qualified by the Constitution and laws of this State to vote at any election for Members of the Congress of the United States, Members of the Legislature of this State, Sheriff, Clerk, Ordinary, or other District officer, Mayor and Aldermen of any city, Intendant and Wardens of any incorporated town, officers of the Militia or Volunteer organizations of the State, or at any other elections now required, or that shall hereafter be required by law to be held within this State, shall vote more than once at such election for the same office, such person so voting more than once shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined and imprisoned at the discretion of the Judge before whom the case shall be tried.

Voting more than once.

III. If at any election hereafter held within this State for Members of the Congress of the United States, Members of the Legislature of this State, Sheriff, Clerk, Ordinary or other District officer, Mayor and Aldermen of any city, Intendant and Wardens of any incorporated town, officers of the Militia or Volunteer organizations of the State, or at any other election now required, or that

shall hereafter be required by law to be held within this State, any person shall, by the payment, delivery or promise of money, or other article of value, procure another to vote for or against any particular candidate or measure, the person so promising, and the person so voting, shall each be guilty of a misdemeanor, and, upon conviction thereof, shall, for the first offence, be fined in any sum not less than one hundred dollars nor more than five hundred dollars, and imprisoned for any term of time not less than one month, nor more than six months; and, for the second offence, shall be fined in any sum not less than five hundred dollars, nor more than five thousand dollars, and imprisoned for any term of time not less than three months nor more than twelve months.

A. D. 1858.

Purchasing votes.

Penalty.

IV. If at any election, as in the preceding Section of this Act is mentioned, any person shall offer or propose to procure another, by the payment, delivery or promise of money, or other article of value, to vote for or against any particular candidate or measure, or shall offer or propose, for the consideration of money or other article of value paid, delivered or promised, to vote for or against any particular candidate or measure, such person so offering to procure or vote shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined and imprisoned at the discretion of the Court.

Voting for a consideration penal.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CAROLINA STEAM PACKET COMPANY. No. 4415.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edward Lafitte, John B. Lafitte, F. Barden, Finn Peck, and all those persons who now are, or hereafter may be, members of the Carolina Steam Packet Company, be, and the same are hereby, declared a body politic and corporate, under the name and style of "The Carolina Steam Packet Company," and by that title shall have power to take, subscribe and raise, a capital stock to the amount of sixty thousand dollars.

Title.

II. That the said company shall be authorized to transport passengers and freight by steamboats within the limits of this State, and upon the coast and navigable streams of the States of North Carolina, Georgia and Florida.

Privileges.

III. That the said "The Carolina Steam Packet Company" shall be able and capable, by its corporate name, to sue and be sued, im-

Powers.

A. D. 1858.

plead and be impleaded, to answer and be answered unto in any court of law and equity in this State, to have succession of officers and members, and shall have power to make by-laws, not repugnant to the laws of the land, for the good order and government of its members, as shall be deemed expedient by a majority of its stockholders, and to have a common seal, and to alter and make new the same.

Duration.

IV. That this Act shall remain and continue of force for the term of twenty-one years, and from thence until the expiration of the next session of the Legislature and no longer.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4416. AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR ORGANIZING THE FIRE GUARD OF CHARLESTON."

Who authorized to call out.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, it shall be the duty of the Brigadier General of the Fourth Brigade, or, in his absence from the Parishes of St. Philip and St. Michael, the senior officer of the militia of those Parishes, and he is hereby required, to call out any volunteer company or companies in said Parishes, and to place them at the service of the Mayor of the city of Charleston, or of the person who, for the time being, may be acting Mayor of the said city, whenever requisition shall be made on him for this purpose by such Mayor, in order to suppress any insurrection, tumult, riot or other alarm, or for the purpose of protecting property during a conflagration.

Inspection twice a year by Adjutant.

II. That it shall be the duty of every officer in command of any regiment or separate battalion in said Parishes containing one or more volunteer companies, to cause to be inspected by his Adjutant each volunteer company under his command at least twice every year; and after the said inspection to report forthwith to the Brigadier General, or other officer in command of the Fourth Brigade, the condition of arms, ammunition and equipments of the companies inspected.

Inspection by Brigade Major.

III. That it shall be the duty of the Brigadier General, or other officer in command of the Fourth Brigade, and he is hereby required, to cause each and every of the volunteer companies under his command to be inspected at least once in every year by his Brigade Major.

IV. That an Act entitled "An Act for organizing the Fire Guard of Charleston," ratified on the eighteenth day of December,

Act repealed.

in the year of our Lord one thousand eight hundred and forty-six, be, and the same is hereby, repealed.

A. D. 1858.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE AN INDEPENDENT BATTALION OF MILITIA IN No. 4417.
 ST. HELENA PARISH.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several companies of militia in this State known as the "St. Helena Company of Mounted Riflemen," the "Beaufort Beat Company," and the "Beaufort Volunteer Artillery," all within the Parish of St. Helena, and composing a portion of the Twelfth Regiment of South Carolina militia, shall hereafter constitute an independent and separate battalion of South Carolina militia, which said battalion shall extend to the outer limits of said Parish.

Independent
 Battalion, St.
 Helena.

II. That the said battalion shall have one Major and the following staff, to wit: One Adjutant, one Quartermaster, one Judge Advocate, one Paymaster, and one Surgeon, with the rank of First Lieutenant, which organization shall be effected under the order and direction of the officer in command of the Twelfth Regiment, according to the laws of force providing for the election and appointment of such officers; and, being thus organized, shall be subject to the laws of force, or hereafter to be enacted, so far as the same may be applicable to battalions of militia in this State: *Provided*, That the said battalion, and the companies composing it, shall be hereafter exempt from the performance of regimental duty.


Officers and
 organization.

III. That as soon as the said battalion shall be fully organized, as aforesaid, the battalion muster ground shall be designated by a majority of the officers thereof, to assemble for that purpose, upon the requisition of the officer in command of the Twelfth Regiment; and, in default of their so assembling and designating, the said muster ground shall be fixed by the order of the said officer in command of the Twelfth Regiment.

Duties.

IV. That the said battalion, and each of the companies aforesaid, shall, at all times, be subject to the order and command of the officer in command of the Twelfth Regiment for the time being, with the restrictions herein provided, as a component part of said regiment, according to the laws of force in relation thereto; and that the elections for the officers to command the said battalion shall be

Regulations.

A. D. 1858.  ordered by the officer in command of the Twelfth Regiment on the first Monday in May next.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4418. AN ACT TO INCORPORATE "THE SOUTH CAROLINA STAVE AND BARREL FACTORY."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Alexander R. Mitchell, R. F. W. Allston, Thomas G. Prioleau, and their associates and successors, be, and the same are hereby, constituted a body politic and corporate, by the name and style of "The South Carolina Stave and Barrel Factory," for the purpose of manufacturing and selling barrels, barrel staves, barrel headings and hoops, and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State; may have a common seal, and the same may alter at pleasure; may purchase, hold and convey real estate, to any amount not exceeding fifty thousand dollars, and may have and enjoy all the rights, powers and privileges incident to corporations.

Stave and
Barrel Com-
pany.

Capital. II. That the capital stock of said company shall be thirty thousand dollars, with a privilege of increasing the same to any amount not exceeding one hundred thousand dollars, which shall be divided into shares of five hundred dollars each.

Organization. III. That the first meeting of said corporation may be called by the persons, or a majority of them, named in this Act, at such time and place as they may think fit, after due public notice thereof, and at said meeting, or any subsequent meeting, said corporation may make, alter, amend or repeal such by-laws and regulations for the organization of the same, and the management of the business thereof, as a majority of the shareholders may direct, provided the same be not inconsistent with or repugnant to the laws of this State, or of the United States.

Duration. IV. That this Act shall be, and the same is hereby declared to be, a public Act, and shall continue of force for the term of twenty-one years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN A CERTAIN LOT IN LEXINGTON VILLAGE IN CERTAIN PERSONS THEREIN NAMED.

A. D. 1858.
 No. 4419.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right and title of the State in and to a certain lot of land in the village of Lexington, containing one-fourth of one acre, bounded north by Main street, east by Cross street, south by Barbara Corley's land, and west by Christian Frank's lot, which was in the possession of one Frederick Frederick, an alien at the time of his death, be, and the same is hereby, vested in Edward Frederick and Ernest Frederick, their heirs and assigns, forever.

* Title vested.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE FORMATION OF A NEW VOLUNTEER COMPANY OF INFANTRY IN LEXINGTON DISTRICT, TO BE CALLED THE "SALUDA GUARDS." No. 4420.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and he is hereby, authorized and empowered to inspect and receive into the Fifteenth Regiment, South Carolina Militia, a new volunteer company of infantry at Saluda village, in Lexington District, to be called the "Saluda Guards," upon their conforming to the requisitions of the law in relation to the reception of new volunteer companies.

Saluda Guards.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE THIRTY-SEVENTH SECTION OF AN ACT ENTITLED "AN ACT FOR THE BETTER ORDERING AND GOVERNING NEGROES AND OTHER SLAVES IN THIS PROVINCE." PASSED THE TENTH DAY OF MAY, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND FORTY. No. 4421.

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

A. D. 1858.

Cruel punishment illegal.

same, That if any person, being the owner of any slave, or having the care, management or control of any slave, shall inflict on such slave any cruel or unusual punishment, such person, on conviction thereof under indictment, shall be fined and imprisoned at the discretion of the court: *Provided, however,* That nothing herein contained shall be so construed as to prevent the owner or person having charge of any slave from inflicting on such slave such punishment as may be necessary for the good government of the same.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4422. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO DEFINE THE TERMS UPON WHICH THE STATE WILL AID IN THE CONSTRUCTION OF TURNPIKE ROADS," RATIFIED ON THE NINETEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

Turnpike roads

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to define the terms upon which the State will aid in the construction of Turnpike Roads," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, be, and the same is hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4423. AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR FOR WILLIAMSBURG DISTRICT.

Whereas, at the last general election holden for Williamsburg District there was a failure to elect Commissioners of the Poor for said District, for remedy thereof:

Commissioners

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That J. M. Staggers, D. D. Barr, T. J. China, J. A. H. Cockfield, and P. C. Donnelly, be, and the same are hereby, appointed

Commissioners of the Poor, in and for the District of Williamsburg, to continue in office until the next general election, and they are hereby invested with all the powers, and subject to all the penalties, that Commissioners of the Poor by law now are.

A. D. 1858.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS OF FREE SCHOOLS FOR ST. MATTHEW'S PARISH, KINGSTON PARISH, AND BARNWELL DISTRICT. No. 4424.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an additional number of four Commissioners of Free Schools be appointed for St. Matthew's Parish. St. Matthew's.

II. That the number of Commissioners of Free Schools for Kingston Parish shall be increased from three to six, and that one Commissioner shall be appointed within the limits of each of the six Beat Companies. Kingston.

III. That the number of Commissioners of Free Schools for Barnwell District shall hereafter be eleven instead of seven, as now fixed by law. Barnwell.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR FOR THE DISTRICT OF LANCASTER. No. 4425.

Whereas, at the last general election holden for Lancaster District there was a failure to elect Commissioners of the Poor for said District for remedy whereof:

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Samuel B. Massey, A. J. Stuart, Samuel Robertson, R. M. Miller, and Andrew Johnson, be, and the same are hereby, appointed Commissioners of the Poor, in and for the District of Lancaster, to continue in office until the next general election, and Commissioner s

A. D. 1858.

they are hereby invested with all the powers, and subject to all the penalties, that Commissioners of the Poor by law now are.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4426. AN ACT TO INCREASE THE COMPENSATION OF GRAND AND PETIT JURORS.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter every Grand and Petit Juror entitled to pay shall receive, as compensation for his services, one dollar and a half per day, for each day he shall serve as a Juror, and five cents for every mile he is compelled to travel, in going and returning to and from the Court House and the place of his residence, which amount shall be charged but once for each term of the Court.

Compensation.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4427. AN ACT TO INCORPORATE THE "PALMETTO FIRE ENGINE COMPANY, OF COLUMBIA."

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the members of the Palmetto Fire Engine Company, of Columbia, and their successors, be, and they are hereby, created a body politic and corporate in law, under the name and style of "The Palmetto Fire Engine Company, of Columbia," with all the rights and privileges conferred by law upon other fire engine companies within the State; and that this Act be and continue in force for the term of fourteen years.

Title and privileges.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO SECURE TO MECHANICS, TRADESMEN AND MATERIAL MEN PAYMENT FOR WORK DONE AND MATERIALS AND SUPPLIES FURNISHED TO SHIPS AND VESSELS OWNED IN THIS STATE. A. D. 1858.
No. 4428.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person who shall, at the instance or request of the master, owner, consignee or agent of any ship or vessel owned in whole, or in part, within the State, furnish work, labor, materials or proper and reasonable stores and provisions for or on account of such ship or vessel, shall have the same lien thereon for the debt so contracted as is now given by the maritime law for work, labor, materials and supplies on ships or vessels owned out of the State; and the lien hereby created may be enforced in the same way that the said maritime lien is now enforced. Lien on materials.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND "AN ACT CONCERNING THE LUNATIC ASYLUM," PASSED IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE. No. 4429.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, that for the support of each pauper lunatic, idiot or epileptic now in the Asylum, or hereafter to be sent there, shall be paid to the Regents of the Asylum the sum of one hundred and thirty-five dollars per annum, in lieu of the sum heretofore payable. Charge for paupers.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCREASE THE COMPENSATION TO OWNERS OF SLAVES EXECUTED. No. 4430.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in case any slave shall be put to death, in pursuance of

A. D. 1858.

To be appraised by the Court.

the sentence of a Court of Magistrates and freeholders within this State, the court imposing such sentence, or a majority of them, shall, before they order the sentence to be executed, appraise any such slave at any sum not exceeding one-half of the full value thereof, and shall certify such appraisement to the Treasurer of the Division within which such proceedings may be had, who shall be authorized and required to pay the same to the owner of such slave.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4431. AN ACT TO EXEMPT SAMUEL RIVERS COX, A FREE PERSON OF COLOR, FROM CAPITATION TAX.

Exemption from taxes.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the ratification of this Act, Samuel Rivers Cox, a free person of color, be, and he is hereby, exempted from the payment of the capitation tax which is now, or hereafter may be, imposed by law on free persons of color.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4432. AN ACT TO PUNISH ASSAULTS COMMITTED WITH CONCEALED WEAPONS.

Penalty.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person shall hereafter make an assault upon another person with any deadly weapon, carried or concealed about the person, every such person, upon conviction under indictment, shall be fined not less than two hundred, and not more than two thousand, dollars, and shall be imprisoned for a period not exceeding six months, at the discretion of the court, and shall moreover be required by the court to find sureties for the peace and for

good behavior for one year after the termination of such imprisonment.

A. D. 1859.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO APPOINT INSPECTORS OF NAVAL STORES. No. 4433.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston be, and they are hereby, authorized to appoint such number of Inspectors of Naval Stores as the wants of the trade may, in their judgment, from time to time, require, who shall respectively be subject to all the duties and liabilities prescribed by an Act entitled "An Act to provide for the Inspection of Naval Stores," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six.

Inspectors.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, and in the eighty-third year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE. No. 4434.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the public Treasury of this State for the use and service thereof, that is to say: eighty-one cents *ad valorem* on every hundred dollars of the value of all the lands granted in this State, according to the existing classification as heretofore established; ninety-five cents per head on all slaves; two dollars and seventy-five cents on each free negro, mulatto or mustizo, between the ages of fifteen and fifty years, except such as shall be clearly proved to the satisfaction of the Collector to be incapable, from maims or otherwise, of procuring a livelihood; seventeen cents *ad valorem* on every hundred dollars of the value of all lots, lands

Tax on lands.

Slaves and free negroes.

Lots and buildings.

- A. D. 1859. and buildings within any city, town, village or borough in this State; sixty-eight cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of law, the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, schoolmasters, schoolmistresses and mechanics; sixty-eight cents on every hundred dollars on the amount of commissions received by vendue masters and commission merchants; thirty-five cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and fifty-nine, of all banks which, for their present charters, have not paid a bonus to the State;
- Factorage and professions. Commissions. Bank Capital. thirty-five cents per hundred dollars on the capital stock of any bank of issue, not incorporated by this State, paid in on the first day of October, one thousand eight hundred and fifty-nine, doing business by agents within the limits of this State; twenty-seven cents per hundred dollars on the capital stock of all incorporated gas light and insurance companies; one and thirty-five one hundredths per centum on all premiums taken in this State by incorporated insurance companies, and by the agencies of insurance companies and underwriters, without the limits of this State; eighteen cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States or Territories thereof excepted,) which any person shall have made from the first day of January, of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and sixty, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; seventy-five cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place, whether the said sale be made by sample or otherwise; one hundred dollars per day for all circus exhibitions; fourteen dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatsoever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same to the Commissioners of Public Buildings of their respective Districts, except in cases where the same is now required by law to be paid to corporations or otherwise; one dollar on every hundred dollars of interest received during the past year on bonds or stocks of any State, other than this State.
- Gas light and insurance companies. Merchandise. Public exhibitions. Taxes, to whom paid. II. All taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax District in which said property is located.
- Machinery exempt. III. In making assessments for taxes on the valuable taxable property used in manufacturing or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings, as property merely, and all mechanics and manufacturers shall return and pay a tax on the sales made by them of all goods and of all manufactured articles other than articles manufactured by themselves.

IV. The Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, are hereby required and enjoined to state the precise amount of taxes collected by them for the purpose of supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes; and the Comptroller General shall return the same in his report.

A. D. 1859.
 }
 Duty of Tax
 Collectors.

V. Free negroes, mulattoes and mustozoes are hereby required to make their returns and pay their taxes during the month of March.

Free negroes,
 when to pay
 tax.

VI. The lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax District in which they are situate in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

Sullivan's Is-
 land.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE. No. 4435.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

Appropriations

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

Executive
 Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, twenty-five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand two hundred dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the

Legislative
 Department.

A. D. 1859.

State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for extra services of the Messenger of the Senate, fifty dollars, and for extra services of the Messenger of the House of Representatives, fifty dollars, to be paid at the end of the session; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, six hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, twelve thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasury of the Upper Division before the twentieth day of February next, and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurers aforesaid: *And, further provided*, That the Printer of Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward by mail to each Member of the General Assembly and each of the Judges a copy of such newspaper, as soon as such paper is issued; for John G. Bowman, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts and expenses of the election returns, fourteen hundred dollars, if so much be necessary; for the purchase of books for the Library of the Legislature, six hundred dollars; two thousand three hundred and twenty-five dollars for the third installment of the State subscription to the reprint of certain of the Law and Equity Reports, to be paid to Messrs. McCarter & Co., upon the delivery by them, to the Legislative Librarian, of the copies of such Reports.

Judiciary Department.

III. IN THE JUDICIARY DEPARTMENT.—For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to

A. D. 1859.

include the expenses of fuel; for the purchase of books for the Library of the Court of Appeals at Columbia, five hundred dollars; for fire wood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same court in Charleston, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel; for fire wood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the purchase of books for the Library of the Court of Appeals at Charleston, five hundred dollars; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant to be drawn by the presiding Judges of the Court of Appeals at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sitting of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods, before filing their opinions; *And further provided*, That the said Reporter shall publish in one or more of the newspapers at Columbia an abstract of the principles decided by the Court of Appeals in its opinions, as soon as practicable after the deliveay of the same; for the pay of the jurors and Constables, fifty thousand dollars, if so much be necessary, the certificates to be paid at either Treasury.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars.

Treasury Department.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, five hundred dollars, and, also, one hundred dollars for error in the appropriation of last year; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; and for the purchase of books for the College Library, two thousand dollars, to be paid to the draft of the

South Carolina College.

A. D. 1859.

President of the College, countersigned by the Treasurer of the same; for the expenses of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

Ordinary civil expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-nine thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, thirty-four thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, two thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature, at its present session, twenty-five thousand dollars, if so much be necessary; for the payment of claims agreed to at the last session of the General Assembly, three thousand dollars, if so much be necessary; for the support of Free Schools, seventy-five thousand dollars, if so much be necessary, to be distributed among the several election Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the education of the Deaf and Dumb, and of the Blind, eight thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committee of Ways and Means, and of Finance and Banks, agreed to by the Legislature, one thousand dollars, if so much be necessary; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of the other Committees, four thousand dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and fifty-eight, for slaves executed, two thousand dollars, if so much be necessary: *Provided*, That the compensation paid for any one slave shall not exceed five hundred dollars; for the salary of the Register of Births, Deaths and Marriages, five hundred dollars; three hundred dollars, if so much be necessary, for furnishing the necessary Registration Books and Blanks for the use of the Tax Collectors, Clergymen, Physicians and Magistrates, to be subject to the order of the Registrar of Births, Marriages and Deaths.

Military expenditures.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard at Charleston, each five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty thousand dollars, if so much be necessary; and also one thousand dollars for increasing the Library of the Citadel Academy at Charleston, and two hundred and fifty dollars for the Library of the Arsenal Academy, at Columbia, to be drawn and applied by the Board of Visitors; and the said Military Academies shall be under the direction of the Board of Visitors of said Academies, so that their support shall not exceed the said sum, to be drawn and accounted for to the Legislature by the said Board of Visitors: *Provided*, That each judicial District shall be entitled to

A. D. 1859.

send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or, in that proportion, as far as the appropriation for the school may allow; for the military accounts, as agreed by both branches of the Legislature, one hundred dollars, if so much be necessary; for the Military contingencies, one hundred thousand dollars, to be drawn and accounted for as directed by the Legislature; for defraying the expenses of Artillery Companies, and the Corps of Pioneers belonging to the Regiment of Artillery in Charleston: *Provided*, That the Corps of Pioneers shall receive fifty dollars, and no more, and to be drawn in the same way as now provided by law for Artillery Companies, two thousand dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries are directed to be paid by law; for repairing arms and Arsenal purposes in Charleston and Columbia, two thousand dollars.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor of Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish; for maintaining and keeping open the Roper Hospital in Charleston, three thousand dollars, to be paid to the Medical Society in trust for the Roper Fund, to defray the expenses of the said Hospital; for the support of the State Normal and High School at Charleston, five thousand dollars, to be subject to the draft of the Commissioners of Free Schools of St. Philip's and St. Michael's, and to be applied by them as prescribed by law; for the support of the Catawba Indians, twelve hundred dollars, if so much be necessary.

Ordinary local expenditures.

IX. FOR PUBLIC BUILDINGS.—For the out-buildings, improvement and furniture of the Institution for the Deaf, Dumb and Blind, at Cedar Springs, five thousand dollars; for the State Normal School, at Charleston, eight thousand seven hundred and four dollars and eighty-three cents, to be paid to the Commissioners of Free Schools for the Parishes of St. Philip and St. Michael; for completing the south wing of the East Lunatic Asylum, thirty-five thousand dollars, to be placed at the disposal of the Board of

Public buildings.

A. D. 1859.

Extraordinary
expenditures.

Regents; for Doctor J. W. Parker, three hundred and seventy-five dollars, for erecting a bowling alley for said Asylum.

X. FOR EXTRAORDINARY EXPENDITURES.—For purchasing or building a dredge boat for cleaning out Sullivan's Island Channel, thirty thousand dollars, if so much be necessary, which said appropriation to be paid and applied as directed by report of Committee of Ways and Means, adopted at the present session; for the widow of the late Edmund Bellinger, fifteen hundred dollars, as compensation for the compilation of the Election Laws, made by the said Edmund Bellinger, to be paid as directed by the Joint Committee of Privileges and Elections; for Henry McIver, Solicitor, three hundred and six dollars and ninety-one cents, for services, as provided by the resolution as adopted at the present session; for the completion of the eastern wing of the Citadel Academy, at Charleston, five thousand dollars, to be expended under the direction of the Board of Visitors of that institution; for the South Carolina Historical Society, five hundred dollars; for the Elliott Society of Natural History, five hundred dollars, pursuant to the reports; for Peter B. Glass, forty dollars, for twenty copies of Professor LaBorde's History of the South Carolina College; for taking the census, twelve thousand seven hundred dollars, to be paid as directed by the report of Special Committee, adopted at the present session of the General Assembly; for one thousand copies of the maps and plates accompanying the fourth report of the State Geologist, six hundred dollars, if so much be necessary, to be paid as directed by the report of the Committee on Agriculture; for Charles E. B. Flagg, one hundred and sixty dollars, for forty copies of Digest, purchased by order of the General Assembly; for Professor Holmes, for the fifth year's subscription in aid of Tuomey & Holmes' Fossils of South Carolina, two thousand dollars, to be paid as heretofore, whenever two hundred copies of the next series of five numbers shall have been deposited in the Legislative Library, but on condition that no further subscription be made for the said work after the present volume; for the Marine School of Charleston, five thousand dollars, to be paid to the Charleston Port Society, as directed by the report and resolution as adopted at the present session.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4436. AN ACT TO ALTER AND AMEND THE ROAD LAW OF THIS STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fifth Section of an Act entitled "An Act to reduce all the Acts and clauses of Acts of the General Assembly of this State,"
Act of 1825,
amended.

relating to the powers and duties of the Commissioners of Roads, into one Act," ratified on the tenth day of December, A. D. one thousand eight hundred and twenty-five, be so altered and amended as to read as follows: That each Commissioner of Roads hereafter to be appointed or elected by the Legislature is hereby declared liable to serve as Commissioner for the term of four years from the date of such appointment or election, and until the first Monday in February next after the expiration of his said term; but shall not be liable to serve against his will until the end of four years from the expiration of said term; and if from any cause a vacancy shall happen in any Board of Commissioners now organized, or hereafter to be organized, such Board, or a majority of them, shall have power to fill such vacancy by the appointment of another Commissioner for the remainder of the term, who shall likewise be exempted from serving again for the term of four years after having served the term of such appointment.

A. D. 1859.

Commissioners to serve four years.

Vacancy, how filled.

II. That Commissioners appointed by the Legislature as aforesaid shall meet and organize their respective Boards on the first Monday in February next after their appointment at their usual place of meeting; and upon the failure of any Commissioner to meet for that purpose, he shall be liable to the forfeiture contained in the eighth Section of the Act of eighteen hundred and twenty-five aforesaid.

Time of Meeting.

III. That the several Boards of Commissioners of Roads now organized, or hereafter to be organized, are hereby authorized, at *their discretion*, to let to contract to the lowest bidder for working and keeping in repair for the term of one or more years—not to extend beyond their term of office—the whole or such parts of the roads within their respective jurisdictions as to such Board shall seem advisable, taking from such contractor his bond, with approved sureties, in the penal sum of double the amount of the price to be paid for each year the contract has to run, specifying the manner the section of road is to be worked and kept in repair, for the term aforesaid, and conditioned for the faithful performance of the covenants therein contained, one of which covenants shall be that the contractor shall have the control of the labor of the hands liable to work the roads specified in his contract at such rate per day as shall be agreed upon, and receive such sums of money arising from a scale of commutation as shall be fixed by the Boards of Commissioners respectively within their jurisdiction, as is hereinafter provided: *Provided*, That no Commissioner shall be allowed to be a contractor for working or keeping in repair any road or roads, bridge or bridges within his road division.

Duties of Commissioners.

IV. That in order to carry out the foregoing provisions of this Act the several Boards of Commissioners shall have power, and they are hereby respectively authorized and empowered to fix a rate of commutation in lieu of labor, for each white person or free person of color liable to do duty within their respective jurisdictions, at not more than seventy-five cents per day, and for each slave not more than fifty cents per day, and for not more than twelve days in any one year, as to them shall seem necessary and just, and shall, as near as practicable, make the labor and commutation equal upon all hands who are now or hereafter shall become liable to do road

Powers of Commissioners to commute.

A. D. 1859.

duty within their respective divisions or jurisdictions: *Provided*, That no person shall be obliged to pay the commutation who chooses to work as heretofore.

Work or com-
mutation.

V. That each contractor, as aforesaid, shall have the same power to warn the hands liable to do road duty on his particular section or division as warners or overseers now have, and upon the failure or neglect of any person liable to work, or the owner or employer of any slave or slaves liable to work, as aforesaid, to pay the sum of commutation to be fixed as aforesaid, on or before the day he or they are summoned to work, he or they shall be liable to work the number of days, not exceeding twelve in each year, as shall be specified in said contract, and upon the failure of any person to pay or work, or the owner or employer of any slave or slaves to pay or send such slave or slaves to work as aforesaid, he, she or they shall be liable to all the pains and penalties, and proceeded against in the same manner as is now provided by law.

VI. That each Commissioner shall be charged with the supervision of the working of the road or roads let to contract, as aforesaid, that are now or hereafter may be put under his jurisdiction, and see that such road or roads are worked according to contract, and shall be liable to indictment for neglect of duty as is now provided by law.

Contractors
to account.

VII. That each contractor, for the working of any section of road or roads as is provided by this Act, shall faithfully account to the Treasurer of the Board for all sums received by him as commutation, and upon his failure or neglect to do so within the fiscal year, his bond shall become forfeited and he and his sureties liable to pay to the Treasurer of the Board double the amount so received.

Bonds, how
made payable.

VIII. That the Treasurer's bond of each Board of Commissioners, the bond of each contractor, the bonds of bridge and causeway builders, tavern keepers and all other bonds authorized by law or necessary to be taken by any Board of Commissioners for any work, matter or thing whatsoever, shall be made payable to the Chairman of the Board, and shall be by him filed in the office of the Clerk of the Court of Common Pleas and General Sessions of the Judicial District in which such Board shall be organized; and any such Chairman, or his successor in office, shall have power to have and maintain his action for the breach of any bond given as aforesaid, styling himself in such action Chairman of such Board; and the Clerk aforesaid shall be, and he is hereby, authorized and required to deliver any bond aforesaid to such Chairman, upon his giving his receipt therefor, for the purpose of commencing suit thereon.

IX. That if any person shall be summoned to work on any public road, according to law, and shall refuse or neglect to work thereon, as required by the Commissioner or Commissioners of such roads, he shall be liable to be fined, as now provided for by law; or if he or they shall be fined by any Board of Commissioners for any other neglect of duty, default or forfeiture whatever, the Commissioner or Commissioners imposing such fine shall have power, and they are hereby authorized and required to issue execution for the recovery thereof, in conformity with the following form, to wit:

THE STATE OF SOUTH CAROLINA.

A. D. 1859.

To the Sheriff's of the said State, or any lawful Constable of District :

Whereas, _____ was, on the _____ day of _____ A. D., _____ fined in the sum of _____ for _____ ; These are ^{Execution for} therefore to charge and command you, and each of you, that of the ^{fine.} goods and chattels of the said _____ you levy the said fine so adjudged against him, as well as all costs which shall accrue thereon, and pay the fine so levied to the Treasurer of the Board of Commissioners of Roads for _____. And you are further authorized and required, if the said _____ shall refuse to pay the fine and costs aforesaid, or to show sufficient personal property to satisfy the same, to take him and lodge him in the common jail of your District, there to remain for the term of as many days as at the computation of seventy-five cents per day shall make the sum of the fine imposed.

Given under my hand and seal, this _____ day of _____ A. D., 18 _____ .

A. B.

Provided, That no person shall be imprisoned for a longer period than twelve days in any one year ; and the Sheriff or Constable, to whom such execution shall be delivered, shall enforce and return the same, and pay over the money in the same time, and be liable to the same penalties for default as is now provided by law.

Proviso.

X. That all Acts and parts of Acts heretofore passed, which are inconsistent with the provisions of this Act, be, and the same are hereby, repealed : *Provided*, That nothing herein contained shall be so construed as to prevent the Commissioners, *at their discretion*, from working the roads as is now provided by law.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO APPORTION THE REPRESENTATION OF THIS STATE. No. 4437.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each and every of the Election Districts throughout this State, at the next, and all future elections, until a new apportionment of the representation be made by a future Legislature, respectively elect the following number of Representatives, to wit :

Districts to elect until new apportionment.

A. D. 1859.

Abbeville, five representatives ;
 All Saints', one representative ;
 Anderson, four representatives ;
 Barnwell, four representatives ;
 Chester, three representatives ;
 Chesterfield, two representatives ;
 Christ Church, one representative ;
 Claremont, three representatives ;
 Clarendon, two representatives ;
 Darlington, three representatives ;
 Edgefield, six representatives ;
 Fairfield, three representatives ;
 Greenville, four representatives ;
 Kingston, one representative ;
 Kershaw, two representatives ;
 Lancaster, two representatives ;
 Laurens, four representatives ;
 Lexington, two representatives ;
 Liberty, three representatives ;
 Marlboro', two representatives ;
 Newberry, three representatives ;
 Orange, two representatives ;
 Pickens, four representatives ;
 Prince William's, one representative ;
 Prince George, Winyah, three representatives ;
 Richland, four representatives ;
 Spartanburg, five representatives ;
 St. Andrew's, one representative ;
 St. Bartholomew's, three representatives ;
 St. George's, (Dorchester,) one representative ;
 St. James', (Goose Creek,) one representative ;
 St. James', (Santee,) one representative ;
 St. John's, (Berkley,) one representative ;
 St. John's, (Colleton,) one representative ;
 St. Helena, one representative ;
 St. Luke's, one representative ;
 St. Matthew's, one representative ;
 St. Paul's, one representative ;
 St. Peter's, one representative ;
 St. Thomas and St. Dennis, one representative ;
 Union, three representatives ;
 Williamsburg, two representatives ;
 York, four representatives ;
 St. Philip's and St. Michael's, twenty representatives ;
 St. Stephen's, one representative.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH A SEPARATE COURT OF APPEALS.

A. D. 1859.

No. 4438.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a Court of Appeals for the Courts of Law and Equity shall be, and the same is hereby, established. That the said court shall be composed of a Presiding Judge, who shall be styled the Chief Justice, and two Associate Judges, to be styled Judges of the Court of Appeals, to be chosen by joint ballot of the Legislature from among the Chancellors and Judges now in commission, and any additional Judge or Chancellor to be elected at this session of the General Assembly, who shall possess all the same powers and authority as are now possessed by the Judges of the Courts of Law and Equity, respectively. That the said Court shall hold their sessions twice in every year at Columbia, and twice in every year at Charleston, at such periods as they may themselves fix therefor, except that the said court shall never hear appeals in Columbia from any Circuit whilst the courts of that Circuit are in session from which the appeals would go to Columbia; nor in Charleston, whilst the Circuit Courts are in session from which the appeals would go to Charleston, unless offered from Charleston. And such court shall exercise appellate jurisdiction in all cases brought up from the Circuit Courts, both of law and equity, in the same manner and with the same powers and authority, in all respects whatsoever, as are now exercised by law by the two existing Courts of Appeal in Law and Equity, or by either of them separately; and the decision of the said court, or any two of them, shall be final and conclusive, except in the cases hereinafter provided for.

Court, how composed.

Sessions twice a year.

Restriction.

II. That in case any member of the said court shall be absent, from sickness or otherwise, the Chief Justice, or other presiding Judge of the said court, shall notify one or more of the Chancellors or Circuit Judges that he or they are required to sit on the said Court of Appeals, in place of the Judge or Judges of the said court who may be absent; and it shall be the duty of the Chancellor or Chancellors, Judge or Judges, so notified, thereupon to sit as a member of the said court, so constituted; and the members thereof shall have the same power and authority as when consisting of the Chief Justice and the two other Appeal Judges: *Provided*, That no Chancellor or Circuit Judge shall be taken from his regular Circuit duty to sit in the Court of Appeals.

Absence or sickness.

III. That if any person wishes to appeal from any order or decree of a Chancellor, or from any judgment or determination of a Judge of a court of law, or to make any motion in arrest of judgment, or for a new trial, he shall pursue the same course, in every respect, that is now prescribed by law in cases of appeal.

Course of proceeding.

IV. That the appeals from each District Court, either of law or equity, shall be to the Court of Appeals in Columbia or Charleston, as at present arranged in that respect.

V. That whenever, upon the hearing of any cause or question, either at law or equity, before the said Court of Appeals, it shall appear to the Judges of the same, or any two of them, that there is any question of constitutional law or of conflict between the Constitution and laws of the State, and of the United States, or the

A. D. 1859.
 Court of Errors

duties and obligations of the citizens under the same, it shall be the duty of the presiding Appeal Judge to convene a Court of Errors for the determination of the same, which court shall consist of all the Judges of the Court of Appeals and of the Judges of law and equity, the decision of which court, or a majority of the Judges sitting in the same, shall be final and conclusive, and the presiding Judge of the Court of Appeals shall also convene the said Court of Errors, at the request of any two of the Judges of the Court of Appeals, for the determination of any other cause or question to be submitted to them, and the decision of the said court, or a majority of the members thereof, shall in all cases be final and conclusive; and whenever the said Court of Errors shall be convened, the presiding Judge of the Court of Appeals shall preside over the said court.

Duties of the Court.

VI. That it shall be the duty of the said Court of Appeals to make all such further and other rules and regulations as may be necessary to carry into effect this Act, and all parts of all former Acts hereby retained, applicable to the Appeal Courts heretofore existing, not inconsistent with the provisions of this Act; and it shall also be their duty, from time to time, to establish and modify all rules regulating the circuit practice in law and equity, and shall also frame and publish such rules, regulations and orders of procedure and practice for the government of the Court of Errors, and the disposition of causes and business before it as they may deem proper and expedient.

Equity Courts.

VII. That the Equity Circuit Courts shall continue to be held at the same times and places, and for the same periods as heretofore, (except that the term of the Circuit Court of Equity for Charleston District, now held by law, on the first Monday in June, in each year, shall be held by one of the Chancellors in rotation, at such time as may be appointed by the Chancellors presiding at the preceding term;) and the Judges and Chancellors shall continue to have and exercise the same powers, authorities and jurisdiction as heretofore, except such as now may be possessed or exercised by them when sitting in the Court of Appeals.

Salaries.

VIII. That the salary of the Chief Justice shall be three thousand five hundred dollars, and the salary of each of the Associate Judges of said court shall be three thousand dollars annually; and the said Associate Judges shall be elected by joint ballot of the General Assembly, immediately after the ratification of this Act.

Election.

IX. That in case any Judge of law or equity shall be elected to the office of Chief Justice or Judge of the Court of Appeals, as provided for by this Act, an election shall immediately thereafter be held to supply his place: *Provided*, The number of the Circuit Chancellors or Judges of the Court of Equity shall not exceed three. And that the number of Judges of the Court of Common Pleas and General Sessions shall not exceed five.

Court for Charleston District.

X. That the Court of Common Pleas and General Sessions for Charleston District shall hereafter be held at the following times: On the second Monday in January, in each year, to sit for six weeks, if so long be necessary; on the fourth Monday in April, in each year, to sit for six weeks, if so long be necessary; and on the third Monday in June, in each year, to sit for six weeks, if so long be

necessary. That the presiding Judge, at the next term of the Court of Common Pleas for Charleston District, shall cause, in the first week of said term, jurors to be drawn to serve during the fifth and sixth weeks of said term respectively. And that the Court of Common Pleas and General Sessions for Georgetown District shall be held at the times now provided by law; and that the Law Circuit Judges shall arrange among themselves the order in which they shall perform circuit duty.

A. D. 1859.

Georgetown District.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE ELECTION OF AN ADDITIONAL LAW JUDGE. No. 4439.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That immediately after the ratification of this Act an additional Law Judge shall be elected, who shall be invested with all the powers, rights and privileges, and shall perform all the duties now appertaining to the office of Law Judge in this State: *Provided*, That after the election of the Judges of the Court of Appeals, if there be remaining among the other Judges (including the Judge under this Act to be elected) fewer than three Judges of the Court of Equity, the General Assembly shall, by joint ballot, elect from the Law Judges a sufficient number of Judges of the Courts of Equity to increase the number to three; and if, after such election of the Judges of the Court of Appeals, there shall remain among the other Judges more than three Judges of the Court of Equity, the General Assembly shall, by joint ballot, elect from the Equity Judges such a number of the said Judges to discharge the duties of Judges of the Courts of Law as will reduce the number of Judges of the Courts of Equity to three.

Additional Law Judge.

Proviso.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT FURTHER TO PROVIDE FOR A CODE OF THE STATUTE LAW OF SOUTH CAROLINA. No. 4440.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

Substitute for previous Act.

- A. D. 1859. same, That in lieu of the provisions for a code made at the last session, the following provisions be now made, to wit:
- A Commissioner to be elected annually. A Commissioner shall annually, during the pleasure of the Legislature, be elected by joint ballot of the two Houses of the General Assembly, whose duty it shall be to prepare, for the consideration of the Legislature, such a code of 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.
- Powers of Commissioner. II. In the preparation of the code, order, brevity of expression, consistent with perspicuity, and adherence to what is established where the reasons for change are not decisive, shall be governing principles; but at the discretion of the Commissioner, regulated by these principles, repeals and alterations of existing law, and additions to it, may be introduced, so that there may be presented a scheme of what the law should be.
- Proposed law. III. When any portion of proposed law has been written for the code, notes and references shall be added to it, showing if the existing law has been preserved unchanged, or changed only in expression—where the existing law is to be found; if change in substance has been made, showing what the change is, and the reasons which induced it; and in every instance referring to the cases which have been adjudged in the courts of this State, explanatory of the law as it is, and as it may be proposed.
- To be printed. IV. Once, or oftener, at the discretion of the Commissioner, in every year, at least one month before the meeting of the Legislature, there shall be printed at least two hundred and fifty copies of such portions of the code as may have been prepared, with suitable indexes, and such remarks, explanations and suggestions as may seem proper to the Commissioner. Of these copies the Commissioner may distribute fifty at his will, and the remainder shall be for the use of the members of the Legislature, to be sent or deposited, as may be ordered by joint resolution.
- Commissioner to report. V. At an early day in every session, the Commissioner shall report to the Legislature all that has been printed, as before mentioned, and also his views concerning what has been done, and what remains to be accomplished, of the work committed to him, according to the plan and method adopted by him, upon all of which such action as shall seem proper to the Legislature may be taken.
- Salaries. VI. For his personal services, the Commissioner shall receive five thousand dollars a year, to be paid quarterly. He shall be at liberty to appoint two or more assistants, who, in the whole, shall receive a sum not exceeding four thousand dollars a year; he shall fix the compensation of each assistant by contract, but not so as to allow to any one of them more than two thousand dollars a year; upon his draft, the compensation thus fixed shall be paid quarterly, and, at every session of the Legislature he shall report the names of his assistants, and the compensation allowed for the past year. The expenses of printing, stationery and postage necessary for the work, certified by the Commissioner, shall all be paid out of the public treasury, under an appropriation to be made at the next session after they have been so certified.
- Expenses. VII. The Commissioner, and his assistants under his order, shall, for prosecution of their work, have full access to the Legislative

Library, and to the public archives, during the session of the Legislature and during the recesses ; also, with permission of the Judges, to the Libraries of the Courts of Appeal, and, with permission of the Trustees, to the Library of the South Carolina College. The Commissioner shall moreover have liberty to take four copies of the Statutes at Large, with continuations of such parts thereof as may be found in any of the public depositories ; and to buy, at the public expense (not exceeding five hundred dollars,) one or two copies of Trott's Laws, Grimke's Public Laws, Brevard's Digest, James' Digest, and such Codes, Digests, Statutes and Reports of Commissioners, made in other States and countries, as he may deem useful in his work, and cannot find in any of the libraries above mentioned, all of which (except the Statutes of this State, that may be cut up in the preparation of the work,) shall belong to the State, and when the work is ended, be deposited in the Legislative Library.

A. D. 1859.
 Authority to
 Commissioner and Assis-
 tants.
 Books of
 reference to be
 bought.

VIII. All the notes, memoranda, material and papers, that the late Edmund Bellinger, Esquire, Commissioner appointed by the Court of Errors under the Act of the last session, left as the result of his labor and research, under the appointment that he received in May last, (not including printed books,) shall be subject to the use and disposal of the Commissioner to be elected under this Act, so soon as the compensation allowed for the services of the said Edmund Bellinger, Esquire, shall have been paid according to the Act which the Legislature may pass in that behalf.

The
 late Commis-
 sioner's papers.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE BOARDS OF COMMISSIONERS OF ROADS OF CERTAIN DISTRICTS TO MAKE SUBSCRIPTIONS TO THE GREENVILLE AND FRENCH BROAD RAILROAD, AND TO THE BLUE RIDGE RAILROAD IN SOUTH CAROLINA.

No. 4441.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Board of Commissioners of Roads for each of the Districts of Spartanburg, Union, Fairfield and Richland be authorized, at any time after the passage of this Act, to subscribe such sums as the separate Boards of the respective Districts may deem expedient to the capital stock of the Greenville and French Broad Railroad Company, in manner hereinafter provided for, subject to the approval of the citizens of the respective Districts, as hereinafter expressed.

Commission-
 ers to sub-
 scribe.

II. The separate Boards of the respective Districts shall, for the purpose of submitting to the legal voters of each of their several Districts, who are tax payers, the question of "subscription" or

How to be
 done.

A. D. 1859.

“no subscription” to the said company, have power to direct the Clerk of the Court of Common Pleas to issue writs of election to the Managers of the general elections, ordering an election to be held at all the election precincts of the District for which said Board shall act, in which election the ballots cast shall have written or printed thereon either the word “subscription” or the word “no subscription.” The said Commissioners having first, by resolution of their Board, fixed the amount proposed to be subscribed, which resolution shall be published by the Chairman of the Board for twenty-one days previous to the election.

Managers to
count votes and
declare result.

III. It shall be the duty of the Managers to make returns and meet at the court house and count the votes, and declare the result, as in other elections, which result shall be certified in writing by the Chairman of the Board of Managers of Elections to the Chairman of the Board of Commissioners of Roads.

Ballots.

IV. In case the majority of the ballots cast in the whole District shall have written or printed thereon “subscription” then the Chairman of the Board of Commissioners of Roads shall be authorized and required to subscribe to the capital stock of the Greenville and French Broad Railroad Company whatever sum may have been fixed and named in the resolution of the Board of Commissioners of Roads, and published as hereinbefore provided for.

Payments.

V. For the payment of the stock so subscribed, the Chairman of the Board of Commissioners of Roads shall be authorized and required to issue coupon bonds, to be received by said company at par, by the Clerk of said Board, bearing interest at the rate of seven per centum per annum, payable semi-annually, at any of the banks in Charleston or Columbia, which bonds shall be payable in such instalments as the said Board of Commissioners of Roads shall determine.

Tax to pay
interest.

VI. For the payment of the interest on said bonds, the Board of Commissioners of Roads and Bridges shall be authorized and required to levy, annually, a railroad tax in like manner as they now levy a road and bridge tax, of such amount as will be sufficient to pay the said interest. And also, that, within ten years of the time said bonds shall fall due, the said Board of Commissioners shall levy and collect a tax necessary to pay the bonds as they fall due, which tax shall be paid to the Treasurer of said railroad company as a sinking fund, to be invested by him in stock of this State.

Scrap to be
issued.

VII. That in collecting the taxes for the said railroad, as provided for in the sixth Section of this Act, the respective Tax Collectors shall deliver to the tax payer a special receipt therefor, (to be provided by the said railroad company,) which shall express therein that the amount stated therein is the tax for the said railroad; and whenever any person, a holder of such receipts, issued in his own name, or in that of another person, and duly transferred to such holder by the endorsement thereon of the name of the person to whom the same was issued, shall present an amount thereof equal to one share of the stock of the said company to the President of the said company, the said President shall cause to be issued to the holder of such receipts one share of the capital stock of said company, and such person shall be a stockholder of said company from the date of the scrip for such stock so issued as aforesaid, and the

like proceedings, and rights and liabilities shall be had and attach to any person who may present such tax receipts amounting to more than one share: *Provided*, That said scrip shall not be issued for any fractional part of a share.

A. D. 1859.

VIII. That the same power and authority shall be vested in the Boards of Commissioners of Roads and Bridges for the Districts of Anderson and Pickens, empowering them to subscribe to the capital stock of the Blue Ridge Railroad Company in South Carolina, as is herein provided for the Districts of Spartanburg, Union, Fairfield and Richland, authorizing said Districts to subscribe to the Greenville and French Broad Railroad Company; and for the payment of the stock so subscribed, the Chairman of the said Boards shall have like power to issue coupon bonds, as is above provided, and the respective Boards may levy, raise and apply a tax, for payment of principal and interest of said bonds, in like manner as is provided as to the Commissioners of Roads for Spartanburg, Union, Fairfield and Richland Districts.

Same powers to Commissioners of Anderson and Pickens.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AFFORD AID TO THE LAURENS RAILROAD COMPANY. No. 4442.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory evidence shall be given to the Comptroller General that all liens on the property of the Laurens Railroad Company have been removed, it shall be his duty to endorse upon the bonds of said company, to an amount not exceeding seventy-five thousand dollars, the guarantee of the State of South Carolina, pledging therefor the faith and funds of the State, which bonds shall be payable at such place in the United States as the President of the company may designate, bearing an interest of seven per cent. per annum, payable semi-annually, and not having more than twenty years to mature.

When bonds to be endorsed.

II. That so soon as the said bonds shall have been endorsed as aforesaid, they shall constitute a lien upon the entire property of said company, including the road bed, right of way, grading, bridges and masonry, upon all the stock subscribed for in said company, and upon the iron rails, chairs, spikes, equipments and appurtenances of every kind; and the State of South Carolina, upon the endorsing of said bonds, and by virtue thereof, shall be invested with said lien or mortgage, without a deed from the company, for the payment by said company of said bonds, with the interest thereon, as the same becomes due, and it shall not be lawful for said company to give, create or convey to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind, which shall

Priority of lien.

A. D. 1859.

have priority over or come in conflict with the lien of the State herein secured, and any such lien, incumbrance, or mortgage shall be null and void, as against said lien or mortgage of the State, and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company.

State to enact necessary laws.

III. That the State expressly reserves the right to enact hereafter all such laws as may be deemed necessary to protect the interests of the State, and to secure it against any loss in consequence of the endorsing of bonds under the provisions of this Act; but in such manner as not to impair the vested rights of the stockholders of the company.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4443. AN ACT TO GRANT AID TO THE BLUE RIDGE RAILROAD.

Aid granted.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General is hereby authorized and directed to subscribe three hundred and ten thousand dollars to the stock of the Blue Ridge Railroad Company in South Carolina, for the purpose of completing the said road to Walhalla: *Provided*, That the aid granted by this Act shall not be construed to exonerate the stockholders from paying up their subscriptions to the capital stock of the said company, but the company shall call in and apply the same according to the provisions of their charter.

How paid.

II. That the said sum shall be paid to the company in bonds of the State, payable in five years, at six per cent. interest per annum, to be signed by the Comptroller General, and issued to the said company upon the making of the said subscription.

What funds pledged for interest.

III. The faith and funds of the State, and more especially the amount now due to this State by the General Government of the United States, for various claims on the said United States for revolutionary services, and matters growing out of the Florida war, and other matters through the Agent of the State, lately accredited to the said Government, are hereby pledged for the redemption of the principal and interest of the said bonds.

Application of funds.

IV. All the moneys arising from the subscription under this Act shall be applied by the said company towards completing the road to Walhalla, and equipping the same for use.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REPEAL THE NINTH SECTION OF AN ACT ENTITLED
 "AN ACT TO AUTHORIZER AID TO THE BLUE RIDGE RAILROAD
 COMPANY IN SOUTH CAROLINA."

A. D. 1859.
 No. 4444.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ninth Section of an Act entitled "An Act to authorize aid to the Blue Ridge Railroad Company in South Carolina," which provides that no person shall be President or a Director of the said company who is not the *bona fide* owner, for himself and in his own right, of at least five thousand dollars of the capital stock of the said company, be, and the same is hereby, repealed.

Directors need
 not own \$5,000
 of stock.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE PEACE AND SECURITY OF THIS STATE. No. 4445.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons within this State shall, with evil intent, write, print, paint, draw, engrave, or cause or procure to be written, printed, painted, drawn or engraved any letter, book, essay, pamphlet, newspaper, words or word, picture, figure or cypher whatsoever, calculated to disaffect any slave or slaves in this State, or tending to incite any insurrection or disturbance among the same, such person or persons shall be deemed guilty of a high misdemeanor, and, on conviction, shall be fined and imprisoned in the discretion of the court before which such conviction shall have taken place, and, in addition thereto, may be required by the said court to enter into recognizance with sufficient sureties for future good behavior; and, if a free person of color, shall, in addition, suffer such corporeal punishment as a Court of Magistrates and Freeholders may, in their judgment, think proper to inflict.

Books or
 writing calculat-
 ed to disaffect
 slaves forbidden
 under
 penalties.

II. If any white person, or any free person of color, shall, with evil intent, publish, circulate, distribute, vend or give, or cause or procure to be published, circulated, distributed, vended or given, any matter in the foregoing Section mentioned, whether the same shall have been written, printed, painted, drawn or engraved in this State or elsewhere, such person or persons shall, on conviction, be guilty of a high misdemeanor, and shall suffer the same penalties as are respectively set forth and provided in the first Section of this Act.

A high mis-
 demeanor to
 circulate.

III. That if any white person or free person of color shall, with evil intent, utter, speak, repeat, recite or rehearse any language,

Seditious lan-
 guage.

A. D. 1859.

phrase, words or word calculated to disaffect any slave or slaves in this State, or tending to incite insurrection or disturbance among the said slaves, such person or persons shall be deemed guilty of a high misdemeanor, and suffer the penalties respectively set forth and provided for in the first Section of this Act.

Subscriptions.

IV. That if any white person or free person of color in this State shall contribute or subscribe to, or receive any newspaper, book, periodical, pamphlet, or other printed, painted or engraved paper, picture or representation of any kind whatsoever, whether published within or without this State, which is calculated to disaffect any slave or slaves in this State, and such contribution or subscription to, or receiving of the same shall be done by such person or persons with a view to distribute, circulate, vend or give the same with evil intent, such person or persons, on conviction, shall suffer the same penalties as are respectively set forth and prescribed in the first Section of this Act.

Postmaster to notify Magistrate.

V. That if any Postmaster or Deputy Postmaster, or Clerk of Postmaster in this State shall know that such matter as is mentioned in the first Section of this Act has been received at his office, in the mail, he shall give notice thereof to some Magistrate who shall forthwith inquire into the circumstances, and shall have such matter burned in his presence, and if it appears to him that the person or persons to whom it was directed, (whether such person or persons be white or a free person or free persons of color,) either subscribed therefor, or agreed to receive it for circulation with evil intent, he shall forthwith issue his warrant against him, her or them, and deal with him, her or them according to law and in conformity to this Act, and if any Magistrate shall neglect or refuse to execute the provisions of this Section, he shall, on conviction, be fined not exceeding five hundred dollars.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4446. AN ACT TO REQUIRE AND REGULATE THE GRANTING OF LICENSES TO ITINERANT SALESMEN AND TRAVELING AGENTS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter it shall not be lawful for any petty chapman, itinerant salesman, traveling agent, or other person, not having any permanent and established place of business, and stock of goods within the State, out of which the tax may be levied, to carry on trade and make contracts for sales, by means of samples or patterns, or otherwise, without first procuring from one of the Treasurers, as herein provided, a license to carry on such trade as itinerant sales-

Sales by itinerants, without license, unlawful.

man. And in case any such person shall, contrary to the provisions of this Act, so carry on trade, or make contracts for the sale of any goods, wares and merchandise, and delivery of the same within the State, without first procuring such license, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, he shall be liable to pay a fine of not more than two thousand dollars, and upon default of such payment, he shall be imprisoned for not more than six months.

A. D. 1850.

Penalty.

II. That upon application to the Treasurer of the Upper or Lower Division by any such person, setting out his name and place of residence, the description of his trade, and the nature of the merchandise which he proposes to sell, accompanied with a recommendation from two citizens of the State, stating that he is a fit and proper person to receive such license, it shall be the duty of the Treasurer to grant him a license, specifying the nature of the trade which he is permitted to carry on, upon his giving a bond with two sufficient sureties, freeholders within the State, in the penal sum of three thousand dollars, conditioned that he will make a true return to the Tax Collector of the District in which the sales may be made, showing the amount of tax to be paid by him for one year from the date of such license, and will pay such amount as soon as it may become due; and that he will not in any way infringe or interfere with the laws and regulations of the State, or of any municipal authority, made for the government of slaves and free persons of color; and he shall pay the sum of twenty-five dollars for the use of the State, to the Treasurer for such license, which shall be good for one year only, and also a fee of five dollars to the Treasurer.

How licenses to be obtained.

III. That if information shall be given to any Magistrate of the District, or it shall be brought to his knowledge that any such person is carrying on trade, or making contracts for sales contrary to the provisions of this Act, it shall be his duty to institute proceedings, and to take all necessary steps for the trial and conviction of such person, and, upon conviction, the informer shall be entitled to half of the fines which may be imposed upon such person.

Proceedings to be instituted.

IV. That in case any such person, after giving such bond and obtaining such license, shall not comply with the conditions of the same, either in not returning his sales and paying the tax for which he may be liable, or in any other particular, he shall be liable to be sued in an action of debt in the name of the Treasurer; and it shall be the duty of the Tax Collector to institute proceedings on the said bond, and if it appear that the said person shall not have complied with all the conditions of the said bond, judgment shall be recovered for the full amount of the penalty.

Tax Collectors to sue.

V. That it shall be the duty of the Treasurers to keep a record of all the licenses so granted, with the applications upon which they were granted, and the names of the persons who have recommended the applicant.

Record to be kept.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1859.

No. 4447.

AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER COMPANY OF LIGHT INFANTRY WITHIN THE LIMITS OF THE THIRTY-FOURTH REGIMENT SOUTH CAROLINA MILITIA, AND TO INCORPORATE THE SAME; AND TO ESTABLISH A CORPS OF PIONEERS IN THE REGIMENT OF ARTILLERY IN CHARLESTON.

- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General of the State of South Carolina be, and he is hereby, empowered to inspect and receive into the Thirty-Fourth Regiment of Infantry, South Carolina militia, a new volunteer company of light infantry, to be styled the "Jasper Light Infantry," any law to the contrary hereof notwithstanding.
- Style and title.
- II. That said company shall have attached to the same, one Captain, three Lieutenants, five Sergeants, five Corporals, and one Secretary and Treasurer, and shall not consist of more than eighty, nor less than forty men, including officers, non-commissioned officers and privates, any law to the contrary hereof notwithstanding; and whenever it shall be reduced below the number of forty men above required, and shall not recruit to such number within six months after notice to its commander to fill up its ranks, it shall be disbanded and the commissions of its officers vacated.
- Officers.
- III. That the said company, as soon as it shall have been received as herein provided for, be, and the same is hereby, declared to be a body politic and corporate, under the name and style of the "Jasper Light Infantry," for the term of fourteen years from the ratification of this Act; with all such powers as are incident to and subject to such liabilities as are now imposed by law upon like corporations.
- Company a corporate body.
- IV. That the said company shall have the power to adopt a constitution and by-laws and enforce the same by all needful rules and regulations; to hold company courts martial, to be composed of the commissioned officers of the said company, for the trial of all offenses created by such constitution and by-laws, and to collect by process of execution, as now provided for by law, all fines and penalties which shall be imposed by such company courts martial.
- Powers.
- V. That it shall be the duty of the Sheriff of York District to enforce all legal process issuing from the courts martial of said company, and make return thereof to the Clerk and Treasurer of said company within three months after the same may have been lodged, under a penalty of fifty dollars for each and every failure so to do.
- Sheriff to enforce legal process.
- VI. That the said company shall be attached to the Lower Battalion of the Thirty-Fourth Regiment South Carolina militia; shall be subject to all laws and regulations governing the said regiment; and shall conform to all the requisitions of the laws of this State relating to volunteer companies, except as they are herein modified and changed.
- Company to belong to 34th regiment.
- VII. That there shall be attached to the First Company of the German Artillery, First Regiment of Artillery, South Carolina militia, a corps of pioneers, which said corps shall consist of one
- Pioneer Company.

commissioned officer with the rank of Second Lieutenant, one Sergeant, two Corporals and not more than twenty-four and not less than twelve Artificers.

A. D. 1859.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE FORMATION OF A REGIMENT OF No. 4448.
RIFLES IN THE CITY OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the battalion in the Parishes of St. Philip's and St. Michael's, attached to the Fourth Brigade Infantry, and known as the Battalion of Rifles, shall hereafter constitute a regiment and form a part of the said brigade, and be known as "The Regiment of Rifles." That the said regiment shall consist of not less than four nor more than eight companies; that the said regiment shall have all the officers, field and staff, commissioned and non-commissioned, now authorized by law for a regiment of infantry.

Style and title.

II. That at the first election for field officers of the said regiment, any officer in the Fourth Brigade eligible to the rank of a field office shall be eligible to such office in the said regiment: *Provided*, That thereafter no person holding a commission in any other arm or regiment shall be eligible to office in said regiment, and that no person holding a commission in the said regiment shall be eligible in any other.

Officers eligible.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ATTACH THE GERMAN HUSSARS, OF CHARLESTON, No. 4449.
TO THE UPPER SQUADRON OF THE FOURTH REGIMENT OF
THE SECOND BRIGADE OF CAVALRY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act the German Hussars, of Charleston, shall form a part of the Upper Squadron of the

German Hussars to belong to 4th regiment.

A. D. 1859. *Fourth Regiment of the Second Brigade of Cavalry, any law or regulation heretofore existing to the contrary notwithstanding.*

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4450. AN ACT TO INCREASE THE POWERS OF COMMISSIONERS OF ROADS OF SPARTANBURG DISTRICT, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the ratification of this Act it shall be the duty of the Commissioners of Roads for Spartanburg District to take charge of and keep in repair all bridges in public streets within the corporate limits of the town of Spartanburg, and to erect and keep in repair all such other bridges, within the corporate limits of the said town, as the said Commissioners may deem necessary for the convenience of the public.

Duty of Commissioners of Roads.

II. That the seventeenth Section of an Act entitled "An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, be, and the same is hereby, repealed.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4451. AN ACT TO CHARTER THE PEOPLE'S RAILROAD COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a railroad on the most practicable route, from some point on the Charleston and Savannah Railroad, to be determined by a majority of the stockholders in the said company, through or near the town of Walterboro, to or near Buford's Bridge, in Barnwell District, to be called the People's Railroad Company.

Company authorized.

II. That for the purpose of raising the capital stock of said com-

pany, it shall be lawful to open books in the town of Walterboro, under the direction of John W. Burbidge, B. F. Bradford and Dr. J. Edward Glover; at Blue House, in Saint Bartholomew's Parish, under the direction of William R. White, Dr. E. R. Henderson and F. H. Taller; at Bell's Cross-roads, under the direction of Joseph K. Risher, Washington Stephens and George Warren; at the Fork Muster Field, under the direction of James G. Varn, Jesse S. Jones and Jacob Folk; at Jacksonboro, under the direction of Dr. F. Y. Glover, A. J. Anderson and L. J. Witsell; and at Buford's Bridge, under the direction of Josiah J. Brabham, George Willoye and Hampton Brabham; at Charleston, under the direction of A. Campbell, William M. Lawton and John S. Ryan; for the purpose of securing subscriptions to an amount not exceeding one million of dollars, in shares of twenty dollars each, to constitute a joint capital stock for the construction and carrying into operation the said railroad, herein by this Act provided for.

A. D. 1859.
Commissioners for raising stock.

Amount limited.

III. That the times and places for receiving subscriptions shall be fixed by the Commissioners of the town of Walterboro, or a majority of them, and shall be advertised for thirty days in one or more newspapers in this State, or in such other manner as they think best, and the books for receiving subscriptions shall be kept open for sixty days at each of the places where they shall be opened; that on each share of the stock subscribed, the subscribers shall pay to the Commissioners who shall receive the same, two dollars in specie or in the notes of specie paying banks, the said Commissioners giving a receipt or certificate for the same, and no subscription shall be valid without such payment, and at the expiration of the time hereby prescribed for keeping open the said books, the said Commissioners shall make a return of the subscriptions taken by them, and the sums paid thereon, to the Commissioners of the town of Walterboro, and the said Commissioners shall deposit the sums received by them on said cash instalments in the Bank of the State of South Carolina.

Thirty days' notice to be given.

IV. That if, at the expiration of the time prescribed for receiving subscriptions, it shall appear that the sum of fifty thousand dollars or more of the capital stock has been subscribed, it shall be the duty of the Commissioners named in this Act, or a majority of them, to make known the fact by advertisement in some public paper or papers, and to call a meeting of the subscribers at such time and place as they shall appoint and designate, of which thirty days' notice shall be given; but if the sum of fifty thousand dollars shall not be subscribed within the time appointed, the said Commissioners herein named, or a majority of them, may, at their discretion, again open the books to receive further subscriptions for the said capital stock, and keep them open for such time and at such places, and at such intervals as they shall think proper and fit: *Provided*, That the said Commissioners shall not have power to keep open the said books for a longer period than three years from the ratification of this Act.

When it may be organized.

V. That whenever the sum of fifty thousand dollars shall be subscribed for in manner herein prescribed, the subscribers shall be, and they are hereby declared to be, a body politic and corporate, by the name and style of the "People's Railroad Company," and

Title.

A. D. 1859.

may meet and organize the said company at such time and place as may be designated by a majority of the Commissioners herein named for the town of Walterboro', due notice having been first given.

Powers conferred.

VI. That for the purpose of organizing and forming the said company, all the powers conferred by the charter of the Charleston and Savannah Railroad Company, on the Commissioners therein named, by an Act entitled "An Act to charter the Charleston and Savannah Railroad Company," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, shall be vested in the Commissioners named in this Act; and all the powers, rights and privileges granted by the charter of the Charleston and Savannah Railroad Company to that company, by said Act, shall be, and the same are hereby, granted to the "People's Railroad Company," subject to the conditions therein contained, except as to the amount of the capital stock, the sum necessary to authorize organization, and except in so far as the special provisions of this Act may otherwise require the same to be modified or varied: *Provided*, That in all cases of appeal from assessments by Commissioners, full costs shall be awarded, as in cases of trespass on the case.

Duration.

VII. That this Act shall be deemed a public Act, and continue in force for fifty years: *Provided*, That the work for the execution whereof the said company is incorporated, shall be commenced within three years from the first day of January next, and be completed within five years thereafter.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4452. AN ACT TO CHARTER THE CHESTER AND NEWBERRY RAILROAD COMPANY.

Title.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized, to be called the "Chester and Newberry Railroad Company," which, when formed in compliance with the conditions hereinafter prescribed, shall have existence as a body politic in this State.

Location of road.

II. That said company is hereby authorized to construct a railroad from any point on the Charlotte and South Carolina Railroad, to any point on the Spartanburg and Union Railroad, and following such route as may be deemed the most practicable to connect Chester and Newberry by railroad.

Capital stock.

III. That the capital stock of the said company shall be three hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the said capital stock to any higher amount that may be found necessary, if so determined by a majority of the shareholders.

IV. That William Johnston, of Charlotte, N. C., J. Y. Mills, of Chester, Stephen Crosby, of Fairfield, and John L. Yongue, of Union, are hereby authorized to nominate suitable Commissioners to open books of subscription, at such places and at such times as they may think most advisable, which times and places for receiving subscriptions shall be advertised for thirty days, in one or more of the newspapers in this State, and the said books shall be kept open for sixty days at each of the places that may be, for that purpose, designated.

A. D. 1859.
Commissioners to open books.

V. That, on each share of the stock subscribed, the subscriber shall pay, or secure to be paid, by note, the sum of two dollars, and no subscription shall be deemed valid without such payment; and at the closing of the said books the Commissioners in charge of the same, at each place, shall make a return of the subscriptions taken by them, and the sums paid, or secured to be paid, thereon, to the persons hereinbefore authorized to nominate such Commissioners.

Two dollars on each share, to be paid on subscribing.

VI. That, when the sum of thirty thousand dollars shall have been subscribed in the manner herein prescribed, the subscribers may meet and organize the said company, by the election of a President and six Directors, to be elected by ballot, and to hold their said offices for one year, and until their successors shall be elected and enter upon their duties, which meeting may be held at such time and place as may be designated by the persons hereinbefore authorized to nominate Commissioners, due notice of such meeting having first been given; and the manner of balloting shall be the same as that prescribed in the charter of the Charlotte and South Carolina Railroad Company.

Organization.

VII. That all the powers, rights and privileges granted by the charter, and the amendments thereto, of the Charlotte and South Carolina Railroad Company, be, and the same are hereby, granted to the said Chester and Newberry Railroad Company, subject to the conditions and restrictions therein contained, except as to the amount of capital stock, the sum necessary to authorize organization, and except in so far as the special provisions of the Act may otherwise require the same to be modified or varied.

Powers and restrictions.

VIII. That the said "Chester and Newberry Railroad Company" be, and they are hereby, authorized to unite with the "Air Line Railroad Company," if the railroad authorized by an Act entitled "An Act to incorporate the Air Line Railroad Company in South Carolina," passed the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, shall be constructed.

May unite with Air Line Railroad.

IX. That this Act be deemed a public Act, and continue of force for one hundred and ninety years, to be computed from the time of the organization of the said company: *Provided*, That the organization of said company shall be made within five years from the passing of this Act, and the said railroad be commenced within two years and completed within five years after such organization.

Duration.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1859. AN ACT TO INCORPORATE THE BRASSTOWN AND PANTHER
 CREEK TURNPIKE COMPANY.
 No. 4453.

Certain persons to erect a turnpike.

Title.

Right of way, how determined.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William S. Grisham, Abel Robins, Edmund Herndon, Bry Fretwell and William Sloan, and such other persons as they may associate with them, be, and they are hereby, authorized and empowered to lay out, erect and keep in repair a turnpike road, in Pickens District, in this State, commencing at the west end of the Stump House Tunnel, on the Blue Ridge Railroad, and from thence pursuing the general direction of the Chattooga Ridge to Brass-town, on Tugaloo River, at the Georgia State line; and for the purpose of establishing said road, the persons hereinbefore named, or a majority of them, and their associates, successors or assigns, shall be, and they are hereby, created a body politic or corporate, by the name and style of "The Brasstown and Panther Creek Turnpike Company," and shall have succession of officers and members, to be appointed according to the by-laws and regulations the said company may establish; that all questions concerning the right of way for said turnpike road, when the company and the land owners cannot agree touching the same, shall be determined in the same manner as is provided by the tenth Section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five, for determining questions of right of way for said railroad. In all cases of appeal from assessments by Commissioners, full costs shall be awarded, and the collection thereof enforced as in case of trespass on the case.

Amount of capital stock.

II. That the capital stock of said company shall be ten thousand dollars, in shares of one hundred dollars each, to be subscribed in books opened for that purpose, under the direction of the corporators, or a majority of them, hereinbefore named, on such days, by such persons, and at such places, as they may appoint; and, when the sum of four thousand dollars be subscribed, a meeting of the stockholders shall be called by the above named corporators, and the company may be organized by those representing a majority of the stock, each share entitling the owner to one vote.

Powers and privileges.

III. That the said corporation shall have power to make all such rules, regulations and by-laws, not repugnant to the laws of the land, as they may deem expedient; shall be able and capable, in law, to purchase, take, hold and enjoy, and the same to alien at will, any estate, real or personal, not exceeding in value double the amount of their capital stock; and, by the name aforesaid, may sue and be sued, in any Court of Law or Equity in this State; may have a common seal and corporate existence for the term of twenty-one years from the completion of said road (unless their charter be forfeited by law.)

To commence within two years.

IV. That the company herein authorized shall be allowed two years from the ratification of this Act to organize and commence the construction of the road herein contemplated, and five years from the commencement of the work to complete the same.

V. That it shall and may be lawful for the said company to erect one or more toll gates for the collection of toll, and they shall be authorized to take and receive as a toll for passing the said turnpike, according to the following rates: For every four wheel carriage drawn by two or more horses, fifty cents; for every buggy or other carriage drawn by one horse, thirty cents; for every wagon drawn by six horses, sixty cents; for every wagon drawn by five horses, fifty-five cents; for every wagon drawn by four horses, fifty cents; for every wagon drawn by three horses, forty-five cents; for every wagon drawn by two horses, thirty cents; for every wagon drawn by one horse, thirty cents; for every cart or one horse vehicle, other than as above, twenty cents; for every passenger on horseback, ten cents; for every loose horse or mule, three cents per head; for every head of cattle and hogs, two cents, and for every head of sheep or goats, one cent.

A. D. 1859.
 Toll gates and toll.

VI. That if any person shall wilfully destroy, injure or obstruct the said road, or any part thereof, such person shall be liable to pay treble damages to the said company, to be recovered by action of debt in any Court of Record in this State having jurisdiction, and shall also be liable to indictment in the Court of Sessions, as for the obstruction of a public highway, and punished by fine and imprisonment at the discretion of the court.

Penalty for obstructions.

VII. That for failure to keep the said road in proper repair after the same shall have been completed, the said company shall be liable to a forfeiture of the charter herein granted.

Forfeiture.


In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE WATEREE EMBANKMENT COMPANY. No. 4454.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James M. Caldwell, James S. Moore, D. B. McLaurin, Henry A. Middleton, Dr. Matthew S. Moore, and such other persons as may hereafter become members, be, and they are hereby, incorporated and made a corporation and body politic, by the name of the Wateree Embankment Company, with all the rights and privileges, and subject to all the provisions of an Act to promote the draining and improvement of inland swamps, ratified on the

Incorporated

A. D. 1859.  twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4455. AN ACT TO INCORPORATE "THE HOME LOAN AND BUILDING ASSOCIATION."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John S. Riggs, James Copes, John H. Steinmeyer and James Brown, together with such other persons as now are, or hereafter may be, associated with them, be, and they are hereby, declared and constituted a body politic and corporate, for the purpose of making loans of money, secured by mortgage of real and personal property, to their members and stockholders, by the name and style of "The Home Loan and Building Association;" the capital stock of said Association to consist of twelve hundred shares, with the privilege of increasing the same to two thousand shares, to be paid by successive monthly instalments of one dollar on each share, so long as the said Association shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments as the regulations and by-laws of the said Association may prescribe.

II. That the said Association shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made, or to be made, by them, for their government; and shall have power and authority to make such rules and by-laws as are not repugnant to the Constitution and laws of the land; to have and keep a common seal, and the same to alter at will; to sue and be sued, implead and be impleaded, in any court of law or equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

III. That the funds of the said Association shall be loaned and advanced to their members and stockholders, upon the security of real and personal estate, on such terms and conditions, and subject to such regulations as may, from time to time, be prescribed by the by-laws of the said Association; and it shall and may be lawful for the said Association to hold such lands, tenements and hereditaments, and such slaves or other personal property as may be *bona fide* mortgaged and conveyed to it by way of security upon its loans and advances, or purchased at sales made according to law, upon judgments or decrees at law or equity, for the recovery of

Constituted a
body corpo-
rate.

Powers and
rights.

Conditions of
loans and prop-
erty.

their debts; and to sell, alien or otherwise dispose of the same, as they may, from time to time, deem expedient.

A. D. 1859.

IV. That if the funds of the said Association shall remain unproductive and uncalled for, for the space of two months, by their own members and stockholders, it shall be lawful for the said Association to lend what may be on hand to others than stockholders, at the rate of seven per centum per annum, if it be safely invested, and be repaid within one year.

May loan funds.

V. That whenever the funds of the said association shall have accumulated to such an amount that, upon a fair division thereof, each stockholder, for each and every share of stock by him or her so held, shall have received, or be entitled to receive, the sum of two hundred dollars, or the value thereof in property, and such distribution and division shall have been made, then the said association shall cease and determine: *Provided*, That in case the said association shall not have closed its operations and affairs as above provided for within a shorter period, then this Act shall not continue in force beyond ten years.

When funds to be divided.

VI. That this Act shall be deemed a public Act and be given in evidence without being specially pleaded.

Duration.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE SAVINGS BUILDING AND LOAN No. 4456.
 ASSOCIATION.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William H. Gilliland, James H. Taylor, F. M. Robertson, Francis A. Mitchel and Thomas J. Whorten, together with such other persons as now are, or hereafter may be, associated with them, be, and they are hereby, declared a body politic and corporate for the purpose of making loans of money, secured by mortgages of real estate and personal property, to their members and stockholders, by the name and style of "The Savings Building and Loan Association." The capital stock of said association to consist of twelve hundred shares, with the privilege of increasing the same to two thousand shares, to be paid by successive monthly instalments of one dollar on each share, so long as the said association shall continue; the said shares to be held, transferred, assigned and pledged, and the holder thereof to be subject to such fines and forfeitures for defaults in their payments as the regulations and by-laws of the said association may prescribe.

Style and title.

Stock, how made up.

II. That the said association shall have such number and succession of officers and members as shall be ordained and chosen accord-

Officers and members.

A. D. 1859.

ing to the rules and by-laws made or to be made by them for their government, and shall have power and authority to make such rules and by-laws as are not repugnant to the Constitution and the laws of the land, to have and keep a common seal, and the same to alter at will, to sue and be sued, implead and be impleaded in any court of law or equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies according to the laws of the land.

Funds, how
to be loaned.

III. That the funds of the said association shall be loaned and advanced to the members and stockholders upon the security of real and personal estate, on such terms and conditions, and subject to such regulations as may from time to time be prescribed by the by-laws of the said association; and it shall and may be lawful for the said association to hold such lands, tenements and hereditaments as may be *bona fide* mortgaged and conveyed to it by way of security upon its loans and advances or purchased at sales made according to law, upon judgments or decrees at law or equity for the recovery of their debts, and to sell, alien or otherwise dispose of the same as they may from time to time deem expedient.

Funds may
be loaned on
ordinary inter-
est.

IV. That if the funds of the said association shall remain unproductive and uncalled for for the space of two months by their own members and stockholders, it shall be lawful for the said association to lend what may be on hand to others than stockholders at the rate of seven per centum per annum if it be safely invested and repaid in one year.

When divisi-
ble.

V. That whenever the funds of the said association shall have accumulated to such an amount that upon a fair division thereof each stockholder for each and every share of stock owned by him or her shall have received or be entitled to receive the sum of two hundred dollars, or the value thereof in property, and such distribution and division shall have been made, then the said association shall cease and determine: *Provided*, That in case the said association shall not have closed its operations and affairs as above provided for within a shorter period, then this Act shall not continue in force beyond ten years.

A public Act.

VI. That this Act shall be deemed a public Act and be given in evidence without being specially pleaded.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4457. AN ACT TO AMEND THE LAW IN RELATION TO THE SUSPENSION OF SPECIE PAYMENTS BY THE BANKS OF THIS STATE.

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

same, That the operation of the third Section of an Act entitled "An Act for the suspension of certain Sections of certain Acts, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-seven, as amended by the sixth Section of an Act entitled "An Act to regulate the mode of electing Directors of the Bank of the State of South Carolina, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-eight, be, and the same is hereby, suspended until the first day of January, in the year of our Lord one thousand eight hundred and sixty-one.

A. D. 1859.

Section of Act of 1857 repealed.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE PRESIDENT AND DIRECTORS OF THE BANK OF THE STATE OF SOUTH CAROLINA TO ESTABLISH A BRANCH OF THE SAID BANK AT SOME CONVENIENT POINT IN THE WESTERN OR NORTHWESTERN PORTION OF THIS STATE. No. 4458.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President and Directors of the Bank of the State of South Carolina shall, whenever they may deem it expedient, establish a branch of the said bank at some convenient point in the Western or Northwestern part of this State, with the like powers and authority, and in like manner as the branch now established at Columbia.

Authority given.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE BANK OF CHESTER, SOUTH CAROLINA. No. 4459.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Bank of Chester, South Carolina, be, and is hereby,

A. D. 1859.

Capital stock
to be increased.

authorized to increase its capital stock to the sum of five hundred thousand dollars, whenever a majority of the stockholders shall, at a general meeting, deem it necessary or advisable so to do.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4460. AN ACT TO AUTHORIZE THE ISSUE OF BONDS OR STOCK FOR THE PURPOSE OF CONTINUING THE CONSTRUCTION OF THE NEW STATE HOUSE.

Governor to
issue bonds.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor be, and is hereby, authorized and required to issue, in the name of the State, bonds or stock, to be countersigned by the Comptroller General, for the amount of four hundred thousand dollars, bearing interest at the rate of six per cent. per annum, payable semi-annually at the Treasury of the State, and redeemable thereat, that is to say: Two hundred thousand dollars on the first day of July, which will be in the year of our Lord one thousand eight hundred and eighty-seven, and two hundred thousand dollars on the first day of July, which will be in the year of our Lord one thousand eight hundred and eighty-nine.

Security.

II. That the faith of the State is hereby pledged for the punctual payment of the interest on said bonds or stock, and for the redemption of the principal of the same when it shall become due.

Results of
sale of bonds.

III. That all money arising from the sale of said bonds or stock shall be placed in the Treasury, to the credit of the fund for erecting the new State House, subject to the draft of the Commissioner charged with the erection of the new State House, countersigned by the Comptroller General.

Bank of the
State, associ-
ated agent to
sell, &c.

IV. That the Bank of the State of South Carolina is hereby associated the agent of the State for the sale of the said bonds or stock, and is authorized to sell the same at the market value; and the said bank shall furnish the means to the Commissioner to prosecute the work of erecting the new State House, until the said bonds or stock shall have been sold, and the proceeds thereof deposited in the Treasury, subject to the draft of the Commissioner aforesaid.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE DISTRICTS OF MARION AND DARLINGTON.

A. D. 1859.

No. 4461.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the boundary line between the Districts of Marion and Darlington be, and the same is hereby, declared to be and established as follows, to wit: A line beginning at a stake marked D. M. L. W., on Lynch's Creek, and terminating on the Peedce River, as set forth in a plat submitted to this General Assembly, at its present session, by Levi Legett and William H. Wingate, and bearing date the third day of December instant, the trees and stakes on the said line being marked by two blazes, and two chops on each side of said blazes, at right angles with the same.

Boundary line.

II. That the plat referred to in the first Section of this Act be filed with the engrossed Act, in the office of the Secretary of State, in Columbia, together with the original report of the surveyors accompanying the same; and that the Secretary of State cause a copy of the said plat to be recorded in the office of the Surveyor General, and in the offices of the Register of Mesne Conveyances for each of the Districts of Darlington and Marion.

Plat to be filed in Columbia.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ENLARGE THE POWERS OF THE COMMISSIONERS IN EQUITY OF THIS STATE IN CERTAIN RESPECTS.

No. 4462.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the powers now enjoyed by Masters and Commissioners in Equity, they shall have power to appoint guardians of the persons and estates of infants, in the same manner as the Chancellors of this State: *Provided, however,* That any person may appeal from any order made by any Master or Commissioner in Equity, appointing such guardian, to any one of the said Chancellors: *Provided, also,* That the Commissioner or Master shall report to the court next succeeding such appointments of guardian, all the appointments made by him since the last session of the court, for the approval of the court.

Commissioners in Equity may appoint guardians.

II. That when the Masters and Commissioners in Equity shall take, in writing, the depositions of any witness or witnesses, under and by virtue of the tenth Section of an Act entitled "An Act to ascertain the powers, duties and liabilities of Masters, Commissioners and Registers in Equity, and to provide for the organization and regulation of their respective offices," ratified the eighteenth

Depositions of witnesses deemed references.

A. D. 1859.

day of December, in the year of our Lord one thousand eight hundred and forty, the same shall be deemed and taken to be a reference before such Master or Commissioner in Equity, and the several officers of court shall be entitled to the same fees as are now fixed by law for attending references.

Solicitors' per diem.

III. That no Solicitor shall receive more than five dollars for each day's attendance on a reference before the Master or Commissioner in any case, no matter how many demands may be presented or litigated on said reference in said suit.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4463. AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL BOARD OF COMMISSIONERS OF FISH SLICES FOR BROAD RIVER.

Additional Board.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an additional Board of Commissioners of Fish SlICES for that portion of Broad River extending from the foot of the Ninety-nine Islands to the North Carolina line, be, and the same is hereby, established.

Number and privileges.

II. That the said Board shall consist of five members, who shall be appointed in the same manner, hold their office for the same period, possess the same powers and privileges, and be subject to the same duties and liabilities as are provided by an Act entitled "An Act to prevent obstructions to the passage of fish up the several rivers of this State," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4464. AN ACT TO REGULATE THE AMOUNT OF THE PENALTY OF THE BONDS OF TAX COLLECTORS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each Tax Collector in this State who shall hereafter be

electd shall execute an official bond, with good and sufficient sureties, in double the amount of the aggregate of general tax paid in the District or Parish for which he is elected, during the fiscal year next preceding his election, and that the said bond shall, in all other respects, conform to and be governed by the provisions of existing laws.

A. D. 1859.
 Bond prescribed.

II. The bond of the Tax Collector for St. Philip's and St. Michael's Parishes shall be excepted from the foregoing provision, and shall be given as is now provided by law.

Exemption.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE SEVERAL BOARDS OF COMMISSIONERS OF THIS STATE TO FIX THE RATE OF COMMISSIONS TO BE CHARGED BY THEIR RESPECTIVE TREASURERS FOR RECEIVING AND PAYING OUT THE PUBLIC FUNDS AND FOR OTHER PURPOSES.

No. 4465.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several Boards of Commissioners of the Poor, Free Schools, Roads, Bridges and Ferries, and Public Buildings of this State, shall be, and they are hereby, authorized and required to fix the rate of commissions to be charged by their respective Treasurers for receiving, keeping and paying on the public funds committed to their charge: *Provided*, That the turning over of funds from one Treasurer to another shall in no case be held such a receiving or paying out as to entitle the Treasurer to a commission: *And provided, further*, That the public funds shall in no case be taxed with more than four per centum commissions, both for receiving and paying out.

Boards of Commissioners to fix rates.

II. That it shall be the duty of each of said Boards of Commissioners to require their Treasurer, before entering upon the discharge of the duties of his office, to enter into bond with good sureties, payable to the State of South Carolina, in a penalty to be fixed by the Board, conditioned for the faithful discharge of his duties, which bond shall be filed and lodged in the office of the Clerk of the Court for the District in which such Board is situated.

Treasurers to give bonds.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.
 VOL. XII—43

A. D. 1859.

AN ACT TO AMEND THE LAW IN RELATION TO SHERIFFS.

No. 4466.

Sheriff to pay
over money
within one
month.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of every Sheriff, on the expiration of his term of office, to turn over to his successor all money remaining in his hands as Sheriff within one month from the time his successor shall have entered on the duties of his office, and in the same manner as he is now required to turn over to his successor the furniture, books, bonds, process and other papers, and the successor shall receive and be responsible for the money so turned over to him in the same manner as he is liable for other money received by him as Sheriff. And the retiring Sheriff shall be entitled to retain only one-half of the commissions allowed by law on moneys collected and so turned over, and his successor the other half for paying out the same. And the retiring Sheriff, or his successor, neglecting or refusing obedience to the requisitions herein contained, shall, respectively, upon conviction by indictment, be liable to a fine of one thousand dollars and imprisonment not exceeding twelve months; and he and the sureties to his official bond shall be liable to pay to the party entitled to receive such money the amount due to such party, with interest thereon from the time his successor shall assume the duties of his office at the rate of five per cent. per month until the whole amount shall be paid, to be recovered by action of debt or assumpsit.

Commissions.

Liabilities.

Death of Sheriff
provided for.

II. That upon the death of any Sheriff, his personal representative or representatives shall likewise pay over to the successor in office of such deceased Sheriff all moneys which such deceased Sheriff had in his hands, officially, at the time of his death, within nine months after he, she or they shall have assumed the administration of such estate; and upon his, her or their neglect or failure so to do, the estate of such deceased Sheriff and the sureties upon his official bond shall be liable to pay to the party entitled to receive such money the amount due to such party, with interest at the rate of five per cent. per month thereon, after the expiration of such term of nine months, to be recovered by action of debt or assumpsit.

III. That the provisions of this Act be deemed cumulative, and not to bar or affect any right of action, rule or other proceeding now authorized by law.

IV. That whenever a Sheriff shall collect moneys in cases that have been entered in the books of his predecessors, he shall enter the said cases in his own execution book, with an account of the said moneys so collected.

When to take
effect.

V. That this Act shall take effect from and after the first day of March, one thousand eight hundred and sixty.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE ELMORE MUTUAL INSURANCE COMPANY, TO BE LOCATED IN THE CITY OF CHARLESTON.

A. D. 1859.

No. 4467.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners hereinafter named, with such other persons as are now, or may hereafter become, members, in the manner hereafter named, and their successors, shall be a body corporate and politic, under the name, style and title of the "Elmore Mutual Insurance Company."

Title.

II. The capital stock of the said company shall be two hundred and fifty thousand dollars, to be divided into ten thousand shares of twenty-five dollars each, with the right to increase the same seven hundred and fifty thousand dollars more in scrip capital, in the manner and under the terms hereinafter prescribed. The following persons are appointed to receive subscriptions, to wit: Charles V. Chamberlain, D. F. Fleming, F. Richards, I. D. Budds, George A. Locke and Elisha C. Mowry. The said Commissioners, or a majority of them, shall open books at Charleston, on the first Monday of February next, and receive subscriptions to the said stock: *Provided*, The said Commissioners shall have given at least ten days' notice by advertisement in two daily gazettes in the city of Charleston, of the time and place of receiving the subscriptions, and shall require payment of five dollars on each share, to be made at the time of receiving the subscription.

Capital stock.

Commissioners.

Notice to be given.

III. The subscribers paying their subscription money, respectively, shall form the company, upon complying with the conditions and subject to the provisions hereinafter set forth.

Organization.

IV. If at the opening of the said books more than ten thousand shares shall be subscribed, the Commissioners shall distribute the ten thousand shares of which the cash capital stock is to consist among the subscribers, as nearly as may be, in proportion to the number of shares subscribed for by them, respectively, but subscriptions of ten shares or less shall not be reduced, unless the whole number of shares subscribed cannot be otherwise reduced.

Excess, how distributed.

V. In case the number of shares subscribed shall be less than ten thousand, the Commissioners shall receive further subscriptions to make up that number, at any time within one year from the date of opening the books.

Deficiency to be made up.

VI. That the said company shall have succession of officers and members under its corporate name, and all the powers, privileges and franchises, incident to corporations, and shall be capable of taking, holding and disposing of their capital stock, according to such rules and regulations as they shall, from time to time, establish, and also of taking, holding, disposing of, or investing the increase, profit or emolument of the said capital stock, and shall have full power and authority to have and use a common seal, and the same to alter and renew at their pleasure, and, by the name and title aforementioned, shall be able, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all manner of suits, pleas, demurrers, demands and judicial proceedings. And they are authorized and empowered to appoint a President and Directors or Trustees, and other necessary officers, at such

Powers.

Officers.

A. D. 1859.

periods and with such duties as the said company shall see fit, and also make rules and by-laws for the good government and management of the affairs of the corporation: *Provided*, The said rules and by-laws shall not be repugnant to the Constitution and laws of this State and of the United States.

May hold real estate.

VII. The said corporation shall have the right and power to acquire, purchase, take and hold, in its corporate name, lands and real estate, and the same to grant, sell, assign, exchange and convey in fee simple or otherwise: *Provided*, The clear yearly income of the real estate so to be held shall not at any time exceed the sum of ten thousand dollars.

May issue policies.

VIII. The said corporation, in their name and by the signature of the President for the time being, or by the signature of such other person, and in such form and with such ceremonies as they in their rules and by-laws direct, to make contracts and underwrite policies of insurance and indemnity against loss by fire or marine risks, in the same manner as is now granted to the "Fireman's Insurance Company of Charleston," with the same rights, privileges and obligations, and subject to the same liabilities as have been granted to the said Fireman's Insurance Company of Charleston.

Dividends to be withheld under certain circumstances.

IX. In case of losses whereby less than one-third of the original cash capital is lost, no dividends shall be declared until the deficiency is made up by the stockholders or by accumulated profits, and if said original capital is reduced to less than two-thirds, if the said deficiency is not made up within six months, the company to be wound up and cease to do business. If not so wound up, and the company proceed to do business, the President and Directors, jointly and severally, shall be liable to make good all engagements entered into after the last mentioned reduction of capital, if he or they shall not enter his or their protest in the minutes of the Board, and publish their protest in the daily gazettes of the city of Charleston, or who is absent from Charleston during the six months when the deficiency ought to be made up.

Rules and by-laws to be enforced.

X. The said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the affairs of the company, under such penalties as in and by the said rules and by-laws shall be limited and appointed, and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions or pleas, either at law or in equity, for the recovery of any sum or sums of money to the use of the said corporation, in as ample a manner as such suits, actions or pleas may or might be maintained against persons who are not members of the corporation.

Stockholders, how to vote.

XI. In all elections and other corporate acts done by the stockholders of said company, every stockholder of five shares or less shall be entitled to one vote, and every stockholder being the owner of more than five shares shall have one vote for every five shares between five and fifty shares, and an additional vote for every ten shares over fifty shares, but no stockholder shall be entitled to more than fifty votes.

XII. One moiety of the capital of the company shall be paid in,

and satisfactory proof thereof be furnished to the Comptroller General, before the said company shall be authorized to commence business, and the residue of said capital to be paid in at such times and in such manner as the company may appoint: *Provided*, The whole shall be paid within one year after they commence business.

A. D. 1859.
 When to commence.

XIII. The books of the company shall be examined from time to time by such person or persons as the Legislature may from time to time appoint for that purpose, and persons so appointed shall have full power to compel the attendance of witnesses, and the production of books and papers, and inquire into the management of the company. In case of abuse or violation of their charter, may be proceeded against by *seire facias* in the Court of Common Pleas and General Sessions, and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Books to be examined.

XIV. At least one-half of the capital of said company shall be permanently invested in the stock of this State, of the city of Charleston, or of the General Government, or in good stocks of incorporated companies within the State, or in bonds secured by mortgage of real estate within this State, and the company may transfer and sell such stock, or any part thereof, or dispose of or collect the said bonds for the purpose of re-investment, whenever a due regard of the safety of its funds may require: *Provided, however*, That the said company shall not deal or trade in buying and selling any goods, wares, merchandise or stocks whatever.

How capital to be invested.

XV. All the profits arising from the premiums received, and from the income and interests of the company's investments, (after deducting the amounts hereinafter directed to be paid,) shall be invested in the same manner, and subject to the same restrictions as directed and limited in the investment of the cash capital, until the accumulations shall amount to seven hundred and fifty thousand dollars, represented by scrip, as hereinafter provided to be issued.

Profits, how to be invested.

XVI. The officers of said company shall, within one month of the expiration of each fiscal year, cause an estimate to be made as near as possible of the profits of said company during the preceding year, in which estimate the losses and expenses of the company for the year shall be deducted from the earnings of the company, and the income of its capital and invested accumulation during the same; the balance shall be deemed profits for such year; this estimate shall be binding and conclusive upon all persons, as well stockholders as those entitled to receive certificates of profits as hereinafter mentioned; after applying from these profits sufficient to cover the payment of seven per cent. interest to the stockholders, and the stipulated interest on all outstanding scrip of the company, twenty-five per cent. of the residue of the profits shall be paid in cash to the stockholders, as a dividend upon their stock, and the remaining thereof, to wit: Seventy-five per cent. shall be apportioned among the customers of the company for said year, and scrip issued therefor as provided in the next Section.

Annual estimate.

XVII. There shall annually, at the time of the ascertainment of profits as aforesaid, be credited on the books of said company to each person or firm, who shall have paid any premiums to said company on risks terminating without loss or any claim against said

Annual credits.

A. D. 1859.

Certificates to
be issued.

company, which shall have been earned during the preceding year, such a portion of said seventy-five per cent. of profits ascertained as aforesaid, as the amount of such earned premiums, (and not returned) by such person or firm, shall be of the whole amount of premiums earned by the company, (less return premiums) on risks terminating without loss or claim as aforesaid. And thereupon the said company shall issue to such persons or firms, respectively, certificates declaring him or them, or his or their assigns, to be entitled to his or their portion of the invested funds of said company equal to the amount so credited to him or them on the books of the company, and also to the receipt annually out of the interest or income derived by said company from the investment of said profits, of an interest not exceeding six per cent., and said certificate shall also contain a proviso, that the amount named therein is liable for any future loss of said company, as provided in this charter. But no person or firm shall be credited or receive a certificate for a share of profits less than five dollars, nor for any fractional excess over even fives of dollars, and all such amounts less than even fives of dollars, and all such fractional excesses over even fives of dollars, shall be carried to the contingent fund of said company, and applied on account of charges and expenses.

Surplus fund.

XVIII. The fund represented by the scrip issued shall constitute a surplus or reserve of said company for the security and payment of losses, and liable for any excess of losses and expenses above the earned premiums of any year; each later annual issue of scrip, always to be first reduced or wholly cancelled before any previous annual issue is at all reduced, and all the issues of scrip be liable to reduction and cancellation before the capital stock shall be encroached upon.

XIX. That this charter shall be deemed a public Act, and the charter hereby granted shall continue and be of force for twenty years, and no longer.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4468. AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED.

Bluffton.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the town of Bluffton be, and the same is hereby, revived and extended, with all the rights, powers and privileges heretofore granted, with the additional rights, powers and privileges hereinafter specified: *Provided*, The northern boundary

of the said town be not extended beyond its former limits, to wit: The public road, called and known as the North May River Road, and that the remaining boundaries remain as they were set forth in the original Act of incorporation, passed in the year of our Lord one thousand eight hundred and fifty-two, except that the eastern boundary of said town shall be the eastern boundary of a lot known as "Mr. Kirk's Settlement," now owned by Clarence B. Kirk, to its intersection with the North May River Road, and that the northern boundary shall be the north side of the said North May River Road, thence to its intersection with the western boundary of said town.

A. D. 1859.

II. That in order to qualify one as an elector in said town, he shall have all the qualifications now required to vote for members of either branch of the Legislature of this State, with the exception of six months' residence in the election District, and in lieu thereof he shall be either a resident and owner of a house and lot in the said town for three months, a freeholder therein for six months, or a resident therein for one year previous to the election.

Qualification
of an elector.

III. That the Council of said town are hereby empowered to levy a tax, for the support of the said town, of not exceeding twenty-five cents per head on all slaves between the ages of sixteen years and sixty years, and twelve and a half cents per head on all slaves over sixty years of age, and between the ages of twelve years and sixteen years; two dollars on all free negroes between the ages of sixteen years and sixty years, and twenty-five cents on all free negroes over sixty years and under sixteen years.

Power to tax
slaves and free
negroes.

IV. That the Council of said town may also levy a tax of one-quarter of one per cent. on the assessed value of all real estate within the corporate limits of said town, with the power of increasing the same to one per cent. on the same: *Provided*, The consent of the majority of the electors of said town be first obtained by ballot, after one month's notice given by the acting Council.

Tax on real
estate.

V. That three Assessors shall be elected, having the qualification of residence and owners of improved real estate within the corporate limits of said town, to serve for one year and until their successors in office are elected.

Assessors.

VI. That the said Council may have the right to impose a fine not exceeding fifty dollars for any offence, and the fine imposed, when exceeding twenty dollars, shall be sued for in the Court of Common Pleas of the District of Beaufort.

Fines.

VII. That the eighth Section of an Act entitled "An Act to incorporate the town of Bluffton," ratified the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, be, and the same is hereby, altered so as to read: That all male inhabitants, residents of the town of Bluffton, as well during the summer months as during the year, liable to road and patrol duty under the State law, shall be liable to road and patrol duty in the said town whilst residing in the said town, and the said Council are hereby empowered to impose fines not exceeding five dollars, and to authorize the patrol or police of said town to enter all lots or premises unoccupied by white citizens in the pursuit of fugitives.

Act of 1852
altered.

VIII. That the members of Council shall not be exempt from

- A. D. 1859. the discharge of their duties by removal to their winter residences.
- Quarantine. IX. That the said Council shall have a common seal, sue and be sued by their corporate name, and are hereby authorized to quarantine vessels coming from infected ports.
- Elections, when to be held. X. That the inhabitants of said town, qualified as electors, are hereby empowered to hold an election for Intendant and Wardens on the thirteenth day of February, eighteen hundred and sixty, who shall continue in office until the third Monday in September of the said year, and until their successors in office may be elected and enter upon the duties of their office.
- Buford's Bridge. XI. That all free white persons who now reside or may hereafter reside in the village of Buford's Bridge, in Barnwell District, be, and the same are hereby, declared a body politic and corporate, by the name and style of "Buford's Bridge," with all the rights, powers and privileges heretofore conferred on the village of Williston; and that the corporate limits of the said village of Buford's Bridge shall extend one mile in each and every direction from the cross roads near said bridge.
- Cheraw. XII. That the charter of the town of Cheraw be, and the same is hereby, so amended as that hereafter all elections for Intendant and Wardens of the said town shall be held on the second Monday of January in each year, instead of the time now fixed by law, and that the Intendant and Wardens of the said town now in office shall vacate their offices as soon as the persons to be elected thereto on the second Monday in January next shall qualify.
- Election to be held. XIII. That it shall be the duty of the Intendant and Wardens of the said town of Cheraw, now in office, to give the usual notice, and appoint Managers of Elections to hold an election for Intendant and Wardens of the said town on the second Monday in January next after the ratification of this Act.
- Charter of Spartanburg amended. XIV. That the charter of the town of Spartanburg be, and the same is hereby, so amended that the Town Council of said town shall have power to compound with persons liable to do patrol duty, by receiving from them annually a sum of money, in the discretion of the Council, in lieu thereof, to be paid into the treasury of said town, and applied to establish a night watch, guard or police for the better security and regulation of said town; and all persons failing or refusing to pay such commutation, shall be liable to patrol duty as often and at such times as the said Council shall ordain, and for the non-performance of said duty shall be subject to such fines and forfeitures as are now provided by law. That the said Town Council shall also have power to impose a tax, within their discretion, upon all transient auctioneers, hawkers or pedlars who expose to sale within the corporate limits of said town any goods, wares or merchandise whatsoever.
- Lynchburg. XV. That all persons, citizens of the United States, having resided six months in the village of Lynchburg, shall be deemed, and are hereby declared, a body politic and corporate, and the said village shall be called and known as the village of Lynchburg, and its corporate limits shall extend one-half of a mile in the direction of the cardinal points from the cross roads in the said village, and form a square, and the said corporation shall be called and known

as "The Town Council of Lynchburg," and shall be invested with all the powers, rights and privileges, and subject to the same restrictions and conditions as are conferred and imposed on the corporation of "The Town Council of Sumterville" by an Act entitled "An Act to incorporate the village of Sumterville, and for other purposes therein mentioned," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty five, except that the said Town Council of Lynchburg shall have power to lay a tax on all taxable personal property within the said village, not to exceed ten cents on every hundred dollars' worth of such property, and that R. W. Durant, W. J. McLeod and Dr. S. H. Miller be the Managers of the first election for Intendant and Wardens of the said village.

A. D. 1859.
 Corporate
 name.
 Powers.

XVI. That the charter of the town of Darlington be so amended that hereafter all moneys paid for licenses, and for fines and forfeitures for retailing spirituous liquors, keeping taverns and billiard tables, within the limits of the said town, without licenses, shall be appropriated to the uses of the said corporation. That all the fines imposed by the Intendant and Wardens of the said town shall be collected by a *feri facias*, or if that be returned *nulla bona*, by a *capias ad satisfaciendum*, under the hand of the said Intendant and seal of the corporation, which, if not paid, may be discharged by schedule and assignment, according to the provisions of the Prison Bounds Act.

Darlington.
 charter amend-
 ed.

XVII. That the Mayor and Aldermen of the city of Columbia, to be elected on the first Monday in April next, and their successors thereafter to be elected, shall hold their offices, respectively, for two years; and that elections for Mayor and Aldermen of said city shall hereafter be held biennially on the first Monday in April, instead of annually, as is now provided by law.

Columbia mu-
 nicipal elec-
 tions biennial-
 ly.

XVIII. That from and after the passing of this Act, the City Council of Columbia shall be, and is hereby, authorized to prevent interments within the corporate limits of the said city of Columbia, and the cemeteries adjacent thereto, without a proper certificate of the disease of which the deceased died, and to pass all ordinances necessary to prevent the same.

Interments.

XIX. That the said City Council of Columbia are further authorized and empowered to require Physicians and Coroners, under a penalty, to give such certificates, and they are also empowered to establish a more effectual system for the registration of deaths, births and marriages, within the said city.

Registration.

XX. That all free white inhabitants who have resided six months in the town of Reidville, in the District of Spartanburg, are hereby constituted and declared to be a body politic and corporate, by the name and style of the "Town of Reidville;" and its corporate limits shall extend one-third of a mile in each and every direction from the centre of Main street, immediately between the Male and Female school buildings now standing in said town; and the said corporation be, and the same is hereby, invested with all the rights, powers and privileges, and subjected to all the conditions and liabilities conferred and imposed on the village of Greenwood by an Act, entitled "An Act to incorporate the village of Greenwood," ratified

Powers and
 privileges.

A. D. 1859. on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4469. AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED.

Names of societies incorporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or hereafter may become members of the following Societies, viz: St. Jacob's Evangelical Lutheran Church; Bethlehem Evangelical Lutheran Church; Emanuel's Evangelical Lutheran Church; Cedar Grove Evangelical Lutheran Church; St. Peter's Evangelical Lutheran Church, all in Lexington District, and in connection with the Tennessee Synod; the Hope Well Church, Pendleton; Mount Hope Baptist Church, in Williamsburg District; Mount Ebal Baptist Church, in Lexington District; Mount Zion Church, in Newberry District; Kingston Presbyterian Church, Horry District; Carmel Presbyterian Church; the Salem Little River Presbyterian Church; St. George's Baptist Church; the Summerville Presbyterian Church; the Springtown Baptist Church; the State Line Baptist Church, Spartanburg District; the Columbia Baptist Association; Beersheba Church, in York District; Bethlehem Evangelical Lutheran Church, in Lexington District, in connection with the Evangelical Synod of South Carolina, and adjacent States, be, and the same are hereby, declared and constituted bodies politic and corporate, by the name and style to each of them hereinbefore respectively assigned.

Officers. II. That the said Churches, Societies and Associations shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws; and shall have power, respectively, to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will; to sue and be sued in any court in this State, and to have and enjoy every right, power and privilege, incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of twenty thousand dollars.

Powers.

Limit.

III. That the charters of Chester Male Academy Society; the St. Patrick's Benevolent Society of Charleston, South Carolina; the Mercantile Library Association of Charleston, South Carolina; the Methodist Benevolent Society, of Charleston; the Columbia Independent Fire Engine Company, be, and the same are hereby, renewed with all the rights and privileges heretofore granted to them respectively, and that all acts done by the said corporations since the expiration of their charters be, and the same are hereby, declared as good and valid as if the said charters had not expired.

A. D. 1850.
 }
 Charters re-
 newed.

IV. That the charter of incorporation heretofore granted to the Cheraw Presbyterian Society be, and the same is hereby, renewed and extended for a period of twenty-one years, from the day on which the said charter, according to its present limitation, will expire; and the said Cheraw Presbyterian Society, during the said period, shall have, use and enjoy all the corporate powers and privileges which, by the said charter, are conferred, with the enlarged capacity to take, hold and enjoy property, real or personal or mixed, to any amount not exceeding twenty thousand dollars at one time, and the same, or any part thereof, to alien, encumber, lease or otherwise by deed dispose of at pleasure.

Cheraw Pres-
 byterian Socie-
 ty.

V. That Oliver H. Spencer, William L. J. Reid, John C. Wadsworth, James M. Threadgill, James J. Kelly, Samuel D. Sanders and Jasper B. Woolard, Trustees of the Methodist Episcopal Church, South, in the town of Cheraw, and their successors in the said office, appointed, from time to time, in conformity with the rules and discipline of the Methodist Episcopal Church, South, be, and they are hereby, declared a body corporate by the name of "The Trustees of the Methodist Episcopal Church, South, in the town of Cheraw," for the period of twenty-one years from the ratification of this Act; and, as such body corporate, shall have power and capacity to have and use a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any court of this State; to make all by-laws, necessary and proper for the purposes of said corporation, not repugnant to the laws of this State; to take, receive, hold and enjoy property, real or personal or mixed, to any amount not exceeding twenty thousand dollars at one time, and the same, or any part thereof, to alien, encumber, lease or otherwise by deed dispose of at will, and, in general, to exercise and enjoy all the powers and privileges incident to incorporation.

Method-
 ist Episcopal
 Church, Che-
 raw.

A corporate
 body.

VI. That an Act entitled "An Act to re-charter the Board of Directors of the Theological Seminary of the Synod of South Carolina and Georgia," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, be, and the same is hereby, amended so that the said corporation may have power, to receive, hold and enjoy property, real and personal, to an amount not exceeding five hundred thousand dollars.

Act of 1854
 amended, as to
 Theological
 Seminary.

VII. That James W. Rembert, John D. Durant, James H. Dingle, Daniel A. Foxworth, John G. White, Henry D. Green and James E. Rembert, and all other persons qualified to vote for members of the Legislature of this State, who now are, and their associates and successors who hereafter shall be, holders and owners of tents at the Camp Ground of the Methodist Episcopal Church, South, in Sumter District, known as the Sumter Circuit Camp

Sumter Circuit
 Camp Ground.

A. D. 1859.

Ground, are hereby declared to be, and are, a body politic and corporate, under the name of the Corporators of the Sumter Circuit Camp Ground; and, as a corporation, shall have jurisdiction, power and authority in and over a territory extending one mile and a quarter in every direction from the preacher's stand now erected on said Camp Ground as a centre.

VIII. The said corporation shall have power to provide for and secure a succession of officers, to have, keep and use a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded, in any court of this State; to purchase, hold, possess and enjoy property, real, personal and mixed, to an amount not exceeding in value five thousand dollars at any one time; to prohibit the purchase or sale, within the corporate territory aforesaid, of ardent spirits or other intoxicating liquors, or of any other article whatsoever, and, in general, to make all such by-laws, rules and regulations, not repugnant to the laws of this State, as shall be necessary and proper for the maintenance and preservation of peace, good order and general health within the territory aforesaid; to institute a patrol, composed of such persons as are liable to do patrol duty, with all the power and authority of the patrol according to the laws of this State; to impose fines for the violation of their said by-laws, rules and regulations, not to exceed the sum of fifty dollars, for any one such violation, and the said fines to collect by action of debt in the Court of Common pleas, or other court which, at the time, shall have jurisdiction to try actions for such amount: *Provided, however,* That the power of patrol hereby conferred, and all such by-laws, rules and regulations as are in the nature of police regulations shall have force and effect only during such times as shall from time to time be set apart for holding a Camp Meeting, and the five days next preceding, and the five days next succeeding such time so set apart for holding a Camp Meeting: *And, provided also,* That the rights of persons residing or holding land within the said corporate territory, and who are not corporators, shall in no wise be restrained, impaired or infringed by any by-laws, rules, or regulations of the said corporation, nor shall any additional duties not required by law be imposed on such persons without their consent.

IX. That the free white communing members for the time being of the Presbyterian Church, in Chester District, heretofore known as Catholic Church, being a Presbyterian congregation holding the Westminster Confession of Faith, and connected with the Old School General Assembly of the Presbyterian Church of the United States of America, be authorized to elect three Trustees by a plurality of votes, and that the said Trustees and their successors, appointed as hereinafter directed, shall be, and they are hereby, created a body corporate and politic by the name and style of Catholic Church, whose duty it shall be to take charge and management of the lands, buildings and other temporalities and property of said church, in trust, according to the tenor of this Act.

X. That so long as the said church (or any congregation to be organized in its stead, from time to time, as hereinafter provided for,) shall hold the said confession of faith, and shall not be dissolved by the superior judicatories to which it is attached or subject, nor become extinct, every vacancy which may, from time to

Officers.

Powers.

To establish patrol.

Time of police regulations.

Catholic Church, Chester.

Trustees to manage.

Proviso, in case of being dissolved.

time, occur among the said Trustees by death, resignation or removal from the State, shall be filled by election, to be made by the free white communing members as aforesaid.

XI. That in case the said church, or any congregation to be organized in its stead, as in this Section is hereafter provided, should at any time cease to hold the said confession of faith, or be dissolved as aforesaid, or become extinct, the Trustees shall thenceforth hold and manage the said lands, buildings, temporalities and property in trust for such church or congregation as may from time to time be afterwards duly organized at or near the present church building, according to the discipline of the Old School Presbyterian Church of the United States of America, and in the interim, (that is to say: While from a cessation to hold the said confession of faith, or from a dissolution as aforesaid, or from extinction, the said church, or any congregation organized in its stead, as aforesaid, is not authorized by the foregoing provisions to fill the same,) the filling of the vacancies in the number of said Trustees shall belong to such presbytery of said denomination as shall include the site of the church buildings, for the time being, within its boundaries. That Pleasant Grove Church, being a Presbyterian Church, in Chester District, be, and is hereby, incorporated with all the powers, rights and privileges granted and conferred by this Act to the said Church above chartered as Catholic Church in said District.

Pleasant
Grove, Chester.

XII. That the corporations hereby established be allowed to hold and possess property upon the trust aforesaid, to the value of twenty thousand dollars each, exclusive of the increase, and also of the increased value of said property after its acquisition by them.

May hold
property.

XIII. That David K. Hamilton, Thomas G. Boggs, Thomas H. McCarm, Thomas H. Russel, Warren W. Knight and William Mulligan, and their successors in office, Trustees of Carmel Presbyterian Church, in Pickens District, be, and they are hereby declared to be, a body politic and corporate, by the name and style of "Carmel Church," and, for the government and regulation of the secular affairs of said Church, are invested with all the powers and privileges conferred on the Trustees of Pickens Court House Church by an Act entitled "An Act to incorporate Pickens Court House Church," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven.

Carmel
Church, Pick-
ens.

XIV. That W. A. Harrison, D. M. Peden and James E. Savage be, and they are hereby, declared a body corporate, by the name of "The Trustees of the Fairview Male and Female Schools," for the period of twenty-one years from the day of the ratification of this Act, and as such body corporate shall have power and capacity to have and use a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded in any court of this State, to make all by-laws necessary and proper for the purpose of said corporation, not repugnant to the laws of this State, to take, receive, hold and enjoy property, real or personal, or mixed, to any amount not exceeding twenty thousand dollars at one time, and the same, or any part thereof, to alien, encumber, lease, or otherwise by deed dispose of at will, and in general to exercise and enjoy all the powers and privileges incident to incorporation. That vacancies in said Board of Trustees shall be filled by the members of the Fairview

Fairview
schools.

Powers and
privileges.

A. D. 1859.

Presbyterian Church and congregation, to be chosen by a plurality of the votes of said church and congregation.

Forest Cemetery Company.

XV. That Thomas R. Sessions, John C. Porter, James B. Anderson, Bradford Sterman and Charles Williams, and their associates and successors, be, and they are hereby, made a body politic and corporate, under the name and style of the "Forest Cemetery Company," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded in any court of law or equity, with all the powers incident to like corporations, and shall have the power to purchase, have, hold and enjoy, to them and their successors, all that tract of land known as the Forest Cemetery, conveyed to the Methodist Episcopal Church South, at Georgetown, South Carolina, by Joseph B. Pyatt: *Provided, however,* That the said tract of land shall be used exclusively as a cemetery or a place of burial for the dead, and that a plat thereof shall be recorded in the office of the Register of Mesne Conveyance, for Georgetown District, within sixty days after the passing of this Act. That the persons named above shall

Proviso.

Elections.

be the first Board of Directors of the said Forest Cemetery Company, and shall have power to lay out and ornament the grounds, to dispose of and arrange burial lots, and to make such by-laws, rules and regulations, relative to the election of Directors and their successors, and the appointment of suitable officers and agents, and also such rules and regulations for the government of lot holders and visitors to the cemetery, and for the management of the affairs of the company generally, as from time to time they may deem necessary. That the said Forest Cemetery Company shall be able and capable in law to sell and dispose of the above mentioned land for burial lots, and also to have and hold so much personal estate, and no more, as may be necessary for the purposes of this incorporation: *Provided,* That the said land never be granted but for burial lots, and that the lots so granted shall be held by the proprietors for the purposes of sepulture alone. That no streets or roads shall hereafter be opened through the land so appropriated, except by and with the consent of this corporation. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, or other structure placed in the cemetery aforesaid, any fence, railing or other work for the protection or ornament of any tomb, monument, grave stone or other structure aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any Court of General Sessions, be punished by a fine, at the discretion of the presiding Justice, according to the aggravation of the offense, of not less than five nor more than fifty dollars. That the members of said corporation shall be jointly and severally liable for all debts and contracts made by the said corporation during the period of their membership.

Burial lots.

Trespassing.

Penalty.

Glebe Street Church.

XVI. That the charter of the Glebe Street Presbyterian Church of Charleston be, and the same is hereby, renewed, for a period of fourteen years from the ratification of this Act, with all the rights, powers, privileges and immunities unto the said corporation belonging, and with the right to receive, take, retain, possess and enjoy all such property, real and personal, it may now possess or be en-

titled unto, or which shall be given, bequeathed to, or in any manner be acquired by it, and to sell, alien and transfer the same, or any part thereof: *Provided*, That the said amount of property so held shall at no time exceed one hundred thousand dollars.

A. D. 1850.
 }
 Property
 limited.

XVII. That the charter of the First Universalist Church of Charleston be, and the same is hereby, renewed and extended for the period of twenty-one years, with all the powers, rights and privileges heretofore granted to the Trustees of said church by an Act entitled "An Act to incorporate certain societies, and to renew and amend the charters of certain villages," passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, with the enlarged capacity to take, hold and enjoy property, real, personal and mixed, to an amount not exceeding fifty thousand dollars; and that all acts done by the said corporation since the expiration of the said charter be, and the same are hereby, declared to be as good and valid as if the said charter had not expired.

First Universalist
 Church of
 Charleston.

XVIII. That J. J. Wannamaker, David Housel, P. A. Buyck, Wesley Housel, John F. Riley, E. T. Pooser and A. J. Gaskins, Trustees of St. Matthew's Camp Ground, and their successors, are hereby declared to be a body politic and corporate, for and during the period of twenty-one years, under the name and style of the Trustees of St. Matthew's Camp Ground, and the said corporation is hereby invested with all the powers, rights and privileges, and subject to all the restrictions as are granted to, and imposed upon, the corporators of the Sumter Circuit Camp Ground by the provisions of this Act.

St. Matthew's
 Camp Ground.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS.

No. 4470.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John L. Branch, Peter Fayssoux Stevens and Jonathan Lucas, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of "The Association of Graduates of the State Military Academy of South Carolina," with the power to sue and be sued, plead and be impleaded, to make their own constitution and by-laws, and in general to exercise the powers and be subject to the responsibilities usually appertaining to bodies corporate and politic, and they are hereby authorized to purchase and hold real and personal

Association of
 Graduates of
 State Military
 Academy.

A. D. 1859.

estate to the amount of ten thousand dollars, and to sell, alienate and re-invest the same in such manner as may be provided for in the constitution and by-laws of the said corporation.

F. Talbird to
build a wharf
in Beaufort.

II. That Franklin Talbird be, and is hereby, permitted to build and erect a wharf at the foot of Charles Street, in the town of Beaufort, and to extend his wharf westward to the western line of Charles Street, and from low water mark outwards, towards the channel of the river, as may be deemed necessary for commercial purposes; and that he be, and is hereby, permitted to build and extend Charles Street from Bay Street down to the said wharf, and all other persons are hereby prohibited from erecting or extending any wharf or wharves below low water mark, within fifty feet of the western line of Charles Street, if projected southwardly.

Duration.

III. That the franchise hereby granted shall be vested in the said Franklin Talbird, and his heirs, for the term of twenty-one years.

Rates.

IV. That the rate of wharfage to be exacted at the said wharf, and by all other wharf owners in the town of Beaufort, shall be the same as those established in the year of our Lord eighteen hundred and seven for the city of Charleston.

J. Murray to
build a wharf
in Beaufort.

V. That John Murray be, and is hereby, permitted to build and erect a wharf at the south end of his lot in the town of Beaufort, situate on East Bay, and to extend the same as far outwards towards the channel of the river as may be deemed necessary for commercial purposes; and that he be permitted to enjoy the privilege and profit of the same so long as the said wharf is used for public purposes, and not for private convenience only.

Charleston
Steam Ship
Company.

VI. That Edward Frost, James M. Eason, Charles M. Furman, Henry Gourdin, Andrew Simonds, John Caldwell and George A. Trenholm, and their associates and successors, be, and the same are hereby, constituted a body politic and corporate, by the name and style of The Charleston Steamship Company, for the purpose of transporting passengers and freight between the ports of Charleston and New York and other Northern ports, and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State, may have a common seal, and the same may alter at pleasure, may purchase, hold and convey real estate, to any amount not exceeding one hundred thousand dollars, and may have and enjoy all the rights, powers and privileges incident to a corporation.

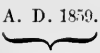
Capital.

VII. That the capital stock of said company shall be two hundred and fifty thousand dollars, with a privilege of increasing the same, from time to time, to any amount not exceeding one million dollars.

Meetings.

VIII. That the first meeting of said corporation may be called by the persons, or a majority of them, named in this Act, at such time and place as they may think fit, after due public notice thereof. And at said meeting, or any subsequent meeting, said corporation may make, alter, amend or repeal such by-laws and regulations for the organization of the same, and the management of the business thereof, as a majority of the stockholders may direct: *Provided*, The same be not inconsistent with, or repugnant to, the laws of this State, or the United States.

IX. That the third Section of an Act entitled "An Act to incorporate a Provident Institution for Savings in the city of Charleston," be so altered and amended as to authorize and empower the said corporation to invest their deposits, at discretion, and without the limitation prescribed in said Act, in United States stock, or in the public stocks or bonds of any city or State in the United States, or in the stocks and bonds of any railroad company incorporated in this or any other State.

A. D. 1859.

 Provident
 Institution for
 Savings.

X. That William Eller, *U. U. James, Burr Wallace, James Flanigan, Eliphas Brandon, C. L. Allen, John Rodger, Jr., H. P. Bridges and John Rodger, Sen., and their associates and successors, be, and they are hereby, declared a body politic and corporate, under the name and corporate title of the "Unionville Band," for a period of fourteen years, with all the rights, powers and privileges incident thereto; by their corporate name to sue and be sued, to plead and be impleaded, to have and use a corporate seal, and the same to alter at will, and to make their own by-laws, not inconsistent with the laws of this State.

Unionville
 Band.

XI. That all persons who are now or may hereafter become members or stockholders in the Camden Jockey Club, be a body politic and corporate, by the name and style of "The Camden Jockey Club."

Camden
 Jockey Club.

XII. That J. Foster Marshall, H. H. Harper, A. C. Hawthorn, C. W. Sproull, J. J. Wardlaw, D. M. Rodgers, D. Wyatt Aiken and Octavius Porcher, and those who are now, or who may hereafter become associated with them, be, and they are hereby, declared a body politic and corporate, under the name of "The Abbeville District Agricultural Society;" that the said society may hold real and personal estate to the amount of twenty-five thousand dollars, and the same or any part thereof may alien, sell or transfer; may make all needful by-laws, not repugnant to the laws of the land; may have a common seal, and by their corporate title may sue and be sued, and shall have and enjoy all other the rights, powers and privileges incident to bodies corporate.

Abbeville
 District Agri-
 cultural Socie-
 ty.

XIII. That the persons who now are, or who may hereafter become members of the "Edgefield District Agricultural Society," be, and they are hereby, declared a body politic and corporate, under the name of the "Edgefield District Agricultural Society," with power to hold real and personal estate to the amount of twenty-five thousand dollars, and the same or any part thereof to alien, sell or transfer; to sue and be sued, and have a corporate seal; to make all needful by-laws, not repugnant to the laws of the land; and with all such other powers, privileges and rights as are incident to bodies corporate.

Edgefield Dis-
 trict Agri-
 cultural Society.

XIV. That John N. Crockett, H. J. Hancock, J. B. Denton, Thomas S. Riddle, John J. Graham, members of the Lancaster Sax Horn Band of Music, and their associates and successors, be, and the same are hereby, declared a body politic and corporate, by the name and style of the "Lancaster Sax Horn Band," with all the rights, powers and privileges incident thereto; by their corporate name to sue and be sued, to have and use a corporate seal, and the same to alter at will, and to make such by-laws for their regulation as to them may seem expedient: *Provided*, The same be not repugnant to the laws of the land.

Lancaster
 Sax Horn
 Band.

A. D. 1859.

Society Hill
and Marlboro
Bridge Compa-
ny.

Free toll.

Capital stock.

Powers.

Edisto Island
Ferry Compa-
ny.

Rates of toll.

Palmetto
Savings Insti-
tution, Act of
1857 amended.

XV. That Samuel W. Evans and Thomas Smith, of Darlington District, and Alexander McLeod and Thomas C. Weatherly, of Marlboro District, and others who may associate with them, be, and they are hereby, declared a body politic and corporate, under the name of the "Society Hill and Marlboro Bridge Company," with power to construct a bridge across the Great Pee Dee River, at or near the ferry known as Sparks' Ferry, and to impose and collect such rates of toll as they may think advisable, not exceeding the rates established by the charter of the said Sparks' Ferry: *Provided*, That the abutments of the said bridge, on the Darlington side, be constructed at the landing now used for said ferry, and on the Marlboro side, at the present landing, or at some point within one hundred yards below said landing. *And provided, further*, That the privilege of passing said bridge free of toll, on foot or horse, in carriages, buggies or other vehicles, with wagons, carts or other carriages of burden, or in any other manner, be secured to Isaac D. Wilson and Thomas P. Lide, the present and former proprietors of said ferry, for and during their lives, respectively, and for and during the lives of the said Isaac D. Wilson and Thomas P. Lide, respectively, to all and singular the members of their respective families, children, overseers, servants, and laborers, and to all and singular the members of the families of the children of the said Isaac D. Wilson and Thomas P. Lide, whether residing with or apart from their respective households.

XVI. That the capital stock of the said Society Hill and Marlboro' Bridge Company shall be thirty thousand dollars, with the privilege of increasing the same if necessary, to be divided into shares of such amount as said company shall determine; that they shall have power to hold estate, real and personal, to the amount of their capital stock, and the same, or any part thereof, to alien, sell and transfer, to have a corporate seal, to sue and be sued by their corporate title, to have succession of officers and members, to make all needful by-laws, not repugnant to the laws of the land, and shall have and enjoy all such other rights, powers and privileges as are incident to bodies corporate.

XVII. That John Townsend, Edward W. Seabrook and J. Jenkins Mikell, with such others as may for that purpose associate with them, be, and they are hereby, declared a body politic and corporate, under the name of the "Edisto Island Ferry Company." That said company are hereby empowered to construct causeways, leading down the Dawho River, at or near the present causeways, with ferry-boats for crossing the same; which causeways and ferries, when constructed and put in order, shall be substituted for the ferries and causeways now existing; and the said company shall have power to impose and collect the same rates of toll now by law allowed on the said ferries and causeways; that the said company shall have power to sue and be sued; to make all needful by-laws not repugnant to the laws of the land; to hold all such real and personal estate as may be necessary to carry out the aforesaid purpose; and shall have and enjoy all other rights, powers and privileges incident to bodies corporate.

XVIII. That the Act entitled "An Act to incorporate the 'Palmetto Savings Institution' in the city of Charleston," passed the

twenty-first day of December, one thousand eight hundred and fifty-seven, be so amended as to authorize said company to receive on deposit all sums that may be offered, without restriction as to the amount of deposit of any single depositor; and that the said company, in addition to the present modes of investment prescribed by their charter, be authorized to invest the moneys so received in the bonds or public stocks of the United States, or of any State, city or corporation.

A. D. 1850.

XIX. That the charter heretofore granted to the "President, Vice-President, officers and members of the Charleston Typographical Society," be, and the same is hereby, extended, with all the rights, powers and privileges thereby conferred, for the period of twenty-one years.

Charleston Typographical Society.

XX. That the second Section of an Act entitled "An Act to incorporate the South Carolina Stave and Barrel Factory," passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, be, and the same is hereby, amended so as to authorize the division of the capital stock of the said company into shares of one hundred dollars each.

South Carolina Stave and Barrel Company.

XXI. That Henry A. Meetze, P. A. Hendrix, H. J. Caughman, J. K. Kneece, Godfrey Leaphart, John Threewits, and such other persons as they may associate with them, and their successors, shall be, and they are hereby, declared a body politic and corporate, for the term of fourteen years, by the name and style of the "Fair Grounds Company of Lexington," and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court within this State; may make all such rules and by-laws for their government as they may deem necessary, not repugnant to the laws of the land, and purchase, hold and enjoy property, real, personal and mixed, to an amount not exceeding ten thousand dollars, and the same alien and transfer at will.

Fair Grounds Company, Lexington.

XXII. That John LaBruce, R. H. Nesbit, Wm. M. Post, Charles Alston, Jr., and their associates and successors, be, and they are hereby, declared and constituted a body politic and corporate, by the name and style of the Hot and Hot Fish Club of Waccamaw; and by that name may sue and be sued, may have and use a common seal, and the same may alter at will, may make such by-laws for the regulation and good government of the said corporation as may be deemed expedient: *Provided*, The same be not repugnant to the laws of the land; and may take, hold and enjoy, sell and alien property, real or personal, to an amount not exceeding thirty thousand dollars.

Hot and Hot Fish Club.

XXIII. That S. L. Wilson, J. H. Norman, T. H. Holmes, W. J. Taylor, J. M. Johnson, J. C. Shackelford, J. H. Grant, J. W. Beattie, M. Ballen, H. Kerminke, B. J. Singleton, W. R. Fruman, James Taylor and W. A. Spivy, and their associates and successors, be, and the same are hereby, constituted a body politic and corporate by the name and style of the "Brooks Guards," and may purchase, hold and convey real estate to the amount of six thousand dollars, and may have and enjoy all the rights, powers and privileges incident to a corporation.

Brooks Guards.

XXIV. That the charter of the Axe, Ladder and Hook Company, in the town of Columbia, be so amended as to authorize the

Axe, Ladder & Hook Company, Columbia.

A. D. 1859.

said company to increase the number of their members to fifty-one, instead of twenty-six, as now provided by their charter.

Columbia Independent Fire Engine Company.

XXV. That the Act chartering the Columbia Independent Fire Engine Company be renewed for the term of twenty-one years, with the same powers, rights and privileges as they now have and are entitled to.

German Rifle Club.

XXVI. That the German Rifle Club of Charleston be, and the same is hereby declared to be, a body politic and corporate, by the name and style of the German Rifle Club of Charleston, and that the said corporation be, and is hereby, authorized to hold and convey property, real and personal, to the amount of five thousand dollars, and may have and enjoy all the rights, powers and privileges incident to a corporation.

Hamilton Guards of Bluffton.

Powers.

XXVII. That the officers and privates composing the volunteer corps of heavy infantry known as the Hamilton Guards, of Bluffton, be, and they are hereby, declared a body politic and corporate, under the name of the Hamilton Guards; that the said company shall have the power to hold estate, real and personal, to the value of five thousand dollars, and the same, or any part thereof, to alien, sell or transfer; to make all needful by-laws, rules and regulations not repugnant to the laws of the land; to hold company courts martial for the trial of cases of default and of infraction of the by-laws, rules or regulations of the company; to issue process, in the nature of an execution, for the collection of all fines imposed by such courts, which process shall have the same force and effect, and be executed in the same manner, as now required by law in cases of process issued by other courts martial, and be returned to the said company or to such officer thereof as the process may direct; to have succession of officers and members; to sue and be sued, and shall have all other rights, powers and privileges incident to bodies corporate: *Provided*, That nothing herein contained shall be construed to exempt the said company from any military service that may be required by the laws of this State, or from answering for default of such service to any court martial of the brigade or regiment to which said company is attached.

Duration.

XXVIII. That this Act shall be, and is hereby declared to be, a public Act, and shall continue in force for the term of twenty-one years.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4471. AN ACT TO ALTER AND AMEND THE CHARTER OF THE TOWN OF AIKEN.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the citizens of this State who may be inhabitants of the town of Aiken, or owners of freehold therein, within the limits hereinafter prescribed, are hereby declared a body corporate. The limits of the said town shall be held and deemed to be in the form of a circle and a square upon that circle, with the sides of the square touching the circumference of said circle on the north, east, south and west. The said circle to describe a circumference one mile in all directions from the central point of the intersection of the Railroad Avenue and Union street, as the centre of the said town; and the streets within the limits of the said corporation to remain, in regard to number, location and extent, as now established by law, until altered by lawful authority.

A. D. 1859.

Limits of Town
of Aiken.

II. The said town shall be called Aiken, and be governed by an Intendant and four Warden, to be called the Town Council of Aiken, and by that name have succession of members; keep a common seal, take and hold property (necessary for corporate uses only), sue and be sued, implead and be impleaded, and enjoy every right incident to an incorporation.

Government.

III. That the said Intendant and Wardens shall always be persons who are constitutionally qualified to vote for members of the Legislature in this State; who actually reside within the limits aforesaid, and have so resided at least twelve months immediately preceding their election; and own, in their own right, a freehold therein, worth at least five hundred dollars. Before entering upon the duties of their offices they shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "I do solemnly swear, (or affirm,) that I am duly qualified, according to law, to exercise the office of Intendant (or Warden) of Aiken, and that I will equally and impartially discharge the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment—so help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the second Monday in September ensuing, and until their successors shall be elected and enter on the discharge of their duties.

Qualifications
of officers.

Oath of office.

IV. That all free white male persons who are constitutionally qualified to vote for members of either branch of the State Legislature, and who have been permanent residents in the said town for six months immediately previous to the election in which they offer to cast their votes, (not, however, including transient boarders and lodgers,) or who are owners in their own right of a freehold estate in said town, of which they have been legally seized for six months previous to the election, accompanied with actual residence in the town, (which, however, must be periodical or intended so to be,) for at least three months previous to the election, shall be entitled to a vote for Intendant and Wardens of the said town. The Town Council shall also be authorized to prescribe, should they at any time deem it expedient, as a qualification for voting for Intendant and Wardens, the payment of a poll tax not exceeding the sum of one dollar: *Provided, however,* That the said poll tax shall not be imposed on those who pay any other tax to said Town Council.

Who are entitled
to vote.

V. That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, removal or otherwise,

Vacancies to
be supplied.

A. D. 1859.

or in case of a tie in said election, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens or Warden, as the case may be, or the Clerk of the Court of Barnwell District, if there should be no Intendant or Wardens, ten days' public notice being previously given; and in case of the sickness or temporary absence of the Intendant, the Wardens forming a Council shall be empowered to elect one of the Wardens to act in his room during the time.

Polls to be held.

VI. The election of the Intendant and Wardens of the said town shall be held at the Town Hall, or some other convenient public place in the said town, on the second Monday in September of each and every year, from ten o'clock A. M. until 3 o'clock P. M., when the polls shall be closed and the Managers shall forthwith count the votes, proclaim the election and give notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall appoint three Managers to hold the ensuing election, and for any subsequent elections; whenever there shall not be an Intendant and Wardens, or Intendant and Warden, it shall be the duty of the Clerk of the Court of Barnwell District to order such election forthwith, and appoint three Managers for the same. The Managers shall, in each case, before they open the polls for such election, take an oath fairly and impartially to conduct the same; and the Managers of such election are hereby authorized and empowered to administer, if they see fit, an oath to any person offering to vote, and to make all other necessary inquiries for the purpose of ascertaining whether such person or persons are qualified to vote under this law.

Managers.

Ex-officio Magistrates.

VII. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, within the limits of the said town, be vested with all the powers and jurisdictions of Magistrates of this State, except for the trial of small and mean causes. The Intendant shall, as often as occasion may require, summon the Wardens to meet him in Council, a majority of whom shall constitute a quorum for the transaction of business. The said Town Council shall have full power, under its corporate seal, to ordain and establish all such rules, by-laws and Ordinances respecting the streets, pavements, ways, markets, public buildings, weights, measures, wells, disorderly places, fire department, police, and, in general, every other by-law, as shall appear to them requisite for the security, welfare and convenience of the said town, and for preserving health, peace, cleanliness, order and good government within the same; and to prevent the violation of its Ordinances, by ordaining as to free whites, fines not to exceed fifty dollars, and as to slaves and free persons of color, any suitable punishment not extending to life or member: *Provided*, That no fine above the sum of twenty dollars shall be collected by the said Council except by suit in the Court of Common Pleas: *And provided, also*, That no Ordinance shall be repugnant to or inconsistent with the law of the land; and all Ordinances shall be at all times subject to repeal by the Legislature.

Powers.

Proviso.

Marshal and Deputy Marshal.

VIII. The Intendant and Wardens shall also have power to elect or appoint a Marshal, and, if they see fit, Deputy Marshal, upon such terms as they may deem proper, who shall be duly sworn by

the Intendant, and invested with all the powers Constables now have by law, and whose power and authority shall be confined within the limits of the said town, and whose duty shall be to collect all fines and forfeitures imposed by the Intendant and Wardens, and to enforce and carry into execution and effect the by-laws and Ordinances of the said corporation, and who shall be liable to be removed by the said Town Council; and the said Intendant and Wardens shall also have power to establish an Ordinance, whenever they shall deem it expedient, to ordain and establish a police corps or night watch for the said town, the expense of the same to be provided for out of the revenue of the said corporation.

A. D. 1859.

His powers.

Ordinances

IX. That the power and duty of appointing, organizing and superintending the patrol of the said town be, and the same is hereby, vested in the said Town Council, who shall have exclusive power to regulate the performance of patrol duty within the limits of the said corporation, and to enforce the same under the same fines and penalties that are now, or may hereafter be, established by law. The Intendant and Wardens are also authorized and empowered to compound with persons liable to patrol duty, upon such terms as they shall by Ordinance establish; the money so received to be applied to the purposes of the said corporation, and all persons refusing or failing to pay such commutation shall be liable to patrol duty, and for non-performance thereof to such fines as are provided by law.

Patrol.

Commutation.

X. That the said Town Council shall have power to establish a Guard House, and to prescribe by Ordinance suitable rules and regulations for keeping and governing the same, and the said Town Council may, by Ordinance, or said Intendant and Wardens, in person, any one or more of them, authorize and require any Marshal, Deputy Marshal or police officer, or any Constable specially appointed, to arrest and commit to said Guard House, or other place of custody, to be designated by the Intendant, for a term not exceeding forty-eight hours, any person or persons who may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of the said town, or any of them; and it shall be the duty of the Town Marshal, or other police officer, to arrest and commit all such offenders, and who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests, and upon failure of said Marshal or police officer, in the performance of such duty, as required, they shall severally be subject to such fines and penalties as Council may establish; and all persons lawfully imprisoned shall pay the costs and expenses incident to their imprisonment, and be subject to such fines as Council may impose for the offence committed.

Guard House.

Commitments.

Costs.

XI. That the said Intendant and Wardens shall have full power to abate and remove nuisances in the said town.

XII. That it shall be the duty of the said Council to keep all roads, ways and streets, within the corporate limits, open and in good repair, and for that purpose they are invested with all the powers vested in the Commissioners of Roads; and they shall have full and exclusive power to order out all the hands now liable, or here-

Roads and streets.

A. D. 1859.

after made liable, by the laws of this State, and to require them to work on the respective roads, ways and streets within the limits of the said corporation, as many days in each year, and to inflict the same fines and penalties for the non-performance thereof as is by law now inflicted by the different Boards of Commissioners of High Roads and Bridges in the respective Districts of this State; and for neglect of duty therein they shall be liable to the same penalties as are now imposed on Commissioners of Roads: *Provided*, That it shall not be obligatory on the Town Council to open any street within the limits of the said town, unless upon the petition of the person applying for the same, alleging that the said street is necessary for his use and accommodation, and that there is no other direct or convenient access for him to the business part of the town, which petition shall be verified by the affidavit of the applicant, and recommended by at least twelve of the taxable inhabitants of the said town.

Commutation
for road work.

XIII. The said Intendant and Wardens shall have power to compound with all persons liable to work on said roads, ways and streets, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied to the use of said corporation. And the Intendant and Wardens are hereby individually exempted from the performance of road and patrol duty; and no person residing within the said town shall be liable to work on any road without the said limits, or to be taxed or assessed for the same.

Billiard tables
and taverns.

XIV. That the power to grant licenses for billiard tables, to keep taverns, or retail spirituous liquors within the limits of the said corporation, be, and the same is hereby, vested in the Town Council of Aiken, which licenses shall be granted in the same manner, and upon the same conditions, as they now are, or may hereafter be, under the laws of this State; and all moneys received for licenses, taxes, fines, exhibitions, &c., &c., within the said limits, shall be appropriated to the public uses of said corporation.

Fines, how to
be collected.

XV. That all fines and forfeitures imposed by said Town Council, under the power vested by law, shall be collected by *fieri facias*, or if that be returned *nulla bona*, by *capias ad satisfaciendum*, under and by virtue of which the person so fined shall be committed to the jail of Barnwell District, and confined there under the custody of the Sheriff, until the fine and all costs shall be paid, or the person discharged, which may be effected by schedule and assignment, according to the provisions of the Prison Bounds Act, and laws amendatory thereof, except that five days' notice shall be sufficient to be served personally on the Intendant or any one of the Wardens. The Sheriff for the District of Barnwell for the time being, and his lawful deputies, be, and they are hereby, authorized to execute the process of the said Council of Aiken, as by law the Marshal of said corporation might or should now do, having the same privileges, powers and emoluments, and subject to the same duties and penalties as therein provided: *Provided*, That the *nulla bona* costs incident on any execution issuing from said Town Council, and directed to the said Sheriff, shall be paid by said Town Council.

Nulla bona
costs.

XVI. That the said Town Council of Aiken shall have power to impose, for the uses of the said corporation, the following annual taxes: On all real estate within the said limits, except that held for religious or charitable purposes, a tax not exceeding one-quarter of one per cent.; on all sales of merchandise, and income arising from factorage, faculties and professions, except the salaries of clergymen of all religious denominations, a tax not exceeding one-eighth of one per cent.; on all wheel carriages kept for hire, a sum not exceeding five dollars each; on all itinerant traders, a tax not exceeding twenty-five dollars; on all slaves between the ages of twelve and fifty, the following sums, viz.: on each slave working out otherwise than as a mechanic, not exceeding one dollar and fifty cents; on all slave mechanics, not exceeding three dollars each; on each free person of color, other than mechanic, not exceeding two dollars; on all free colored mechanics, not exceeding five dollars each; on each slave in owner's employment, fifty cents each. Also, to prescribe and fix the tax on all shows and exhibitions within the limits of said corporation, and the said Town Council shall have power to enforce the payment of all taxes and assessments levied under authority of this Act, against the property and persons of all defaulters, to the same extent, and in the same manner, as is provided by law for the collection of the general State tax; except that executions may be directed either to the Sheriff or the Town Marshal, or other person especially appointed by Council to collect the same.

A. D. 1859.

Annual taxes.

XVII. And the said Town Council shall be authorized to borrow money for educational and corporate uses only, and to assess each of the corporators in an amount not exceeding twelve per cent. on his corporation tax, to aid in the payment of the principal and interest of the said debt: *Provided*, That the funded debt of the town shall, at no one time, exceed the sum of three thousand dollars: *And provided, also*, That no loan shall be consummated without the previous concurrence of the voters of the said town, to be ascertained through the medium of the ballot box, after ten days' public notice, as is provided for in the case of elections for Intendant and Wardens.

Council may borrow money.

XVIII. That the original charter of Aiken, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and all Acts amendatory thereof, as well as all others repugnant to this Act, be, and the same are hereby, repealed; and that this Act shall be deemed, and taken to be, a public Act, and shall continue in force for twenty years.

Original charter repealed.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1859.
No. 4472.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES,
AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE
GRANTED.

- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a public highway be laid out and established in Edgefield District, commencing on the Ferry Road, near the residence of James M. Harrison, and intersecting a branch of the Five Notch Road, near the residence of John L. Addison, and that James M. Harrison and William H. Moss be, and the same are hereby, appointed Commissioners to lay out said road.
- New highway.
- II. That the Sand Bar Ferry, across the Savannah River, be, and the same is hereby, re-chartered, with the same rates of ferriage heretofore allowed by law; and that all the rights, privileges and franchises incident thereto, be, and the same are hereby, vested in Mrs. Elizabeth R. Whatley, her heirs and assigns, for the term of fourteen years.
- Sand Bar Ferry.
- III. That a public highway be laid out and established in the parishes of Prince William's and St. Luke's, across the Coosawhatchie Swamp, beginning at or near the Opossum Corner Ford, and running thence in the most direct and practicable line to Gillisonville Court House; and that P. O. Craddock and William Heyward, for Prince William's, and James Horton and Jonathan Tuten, for St. Luke's, be, and the same are hereby, appointed Special Commissioners to lay out and establish said highway.
- New highway in Prince William's and St. Luke's.
- IV. That McNary's Ferry, across Big Saluda River, be, and the same is hereby, re-chartered, with the same rates of ferriage now allowed by law; and that all the rights, privileges and franchises incident thereto, be, and the same are hereby, vested in John McNary, his heirs and assigns, for a period of twenty-one years.
- McNary's Ferry.
- V. That the Ferry, known as Royal's Ferry, across Waccamaw River, be, and the same is hereby, re-chartered, with the same rates of ferriage now allowed by law; and that all the rights, privileges and franchises incident thereto be, and the same are hereby, vested in William S. Todd, his heirs and assigns, for a period of seven years.
- Royal's Ferry.
- VI. That the road running from Mrs. Mary J. Davis', on the Smith Ford Road, in Union District, to Alexander McPherson's, on the Limestone Springs Road, in Spartanburg District, be, and the same is hereby, declared a public highway; and that Henry Tate, Thomas D. Littlejohn and Col. James Jefferies be, and the same are hereby, appointed Special Commissioners to lay out and open said highway.
- Road in Spartanburg made public.
- VII. That the road in the Parish of St. James' (Goose Creek), Division seven, leading from New Hope Church to the old Orangeburg Road, be, and the same is hereby, discontinued as a public highway.
- Road discontinued.
- VIII. That the ferry across the Saluda River, known as the Sims and Hopper's Ferry, be, and the same is hereby, re-chartered, with the same rates of ferriage formerly allowed by law; and that all the rights, privileges and franchises incident thereto, be, and the same are hereby, vested in Wm. E. Caldwell and George Anderson, and their heirs and assigns, for a period of seven years.
- Sims and Hopper's Ferry.

IX. That the Pooletown Road, in Laurens District, leading from the Mountain Shoals, on Enoree River, to the Clinton Road, at or near Captain Martindale's, be, and the same is hereby, declared a public highway; and that L. G. Williams and A. B. Poole be, and the same are hereby, appointed Special Commissioners to lay out and open said road.

A. D. 1850.
 Pooletown
 Road.

X. That the bridge over the Saluda River, between Abbeville and Laurens Districts, known as Smith's Bridge, be, and the same is hereby, re-chartered, with the same rates of toll as formerly allowed by law; and that all the rights, privileges and franchises incident thereto be, and the same are hereby, vested in J. M. Graham, his heirs and assigns, for a period of seven years.

Smith's
 Bridge.

XI. That the proprietors and owners of lands along the road leading from the northeast corner of Wautout to Tiverton Lawn Gate, in the Parish of St. John's, (Berkeley,) be, and the same are hereby, authorized to erect gates across said road, under the direction of the Board of Commissioners of Roads for said Parish, said gates to be kept in good repair, and to continue until further directed by the Legislature.

Permission to
 erect gates.

XII. That the charter heretofore granted to Sloan's Ferry, across Seneca River, in Pickens District, be, and the same is hereby, so altered and amended as to allow H. E. Ravenel to erect a toll bridge, at or near the same ferry, with the same rate of toll as is now allowed by law to Knox's Bridge, over Tugaloo River; and that all the rights, privileges and franchises incident to this charter, be, and the same are hereby, vested in the said H. E. Ravenel, his heirs and assigns, for a period of fourteen years.

Charter to
 Sloan's Ferry
 altered.

XIII. That a road be laid out and established as a public highway, in the Parish of St. John's, (Berkeley,) commencing on the public road at or near the residence of Mrs. John Baylor, and running thence on the southeast side Wassamasaw Swamp to intersect with a public road in the Parish of St. James', Goose Creek, near the residence of Mr. Dehay; and that D. McCants Winter, George P. Whaley and Arnold Murray be, and the same are hereby, appointed Special Commissioners to lay out and establish said highway.

New road in
 St. John's,
 Berkeley.

XIV. That the public road in Pickens District, called the Ligon's Bridge Road, be, and the same is hereby, discontinued as a public road, from a point where it intersects the Cox's Bridge Road to where it intersects said road again in Greenville District; and that the Cox's Bridge Road, between the said points, be established as a public highway, under the jurisdiction of the Boards of Commissioners of Roads for Pickens and Greenville Districts, respectively.

Ligon's bridge
 road.

Cox's bridge
 road.

XV. That George Seaborn be, and he is hereby, authorized to close a certain road in Anderson District, running from the Bruce's Ford Road, across his land, to the Pendleton and Anderson Road, at the head of the lane between S. E. Maxwell and the said George Seaborn.

Road in An-
 derson to be
 closed.

XVI. That the road known as Durant's Ferry Road, in the Districts of Sumter and Darlington, leading from Lynchburg, across Lynch's Creek, to the Lynch's Creek Road, at or near the point at which Giles Carter formerly lived, in Darlington District, be, and the same is hereby, established and declared a public highway; and

Durant's ferry
 road.

A. D. 1859.

that Henry DeBerry and Joseph Commander be, and the same are hereby, appointed Special Commissioners to establish the said highway, and that the same be opened and kept in repair by the Boards of Commissioners of Roads for Sumter and Darlington Districts, respectively, and in the same manner as other public highways in their jurisdictions, and that the bridge over Lynch's Creek, on said highway, be built and kept in repair at the joint and equal expenses of the Board of Commissioners for Sumter and Darlington Districts.

Knight's
Bridge.

XVII. That the bridge across the Saluda River, known as Knight's Bridge, be re-chartered, with the same rates of toll as formerly allowed by law; and that all the rights, privileges and franchises incident thereto be vested in John Knight, his heirs and assigns, for a period of seven years: *Provided*, That nothing herein contained shall be so construed as to interfere with the right of the neighborhood to erect and keep in repair, free of toll, bridges across the same river, at Smith's Mills, above the said Knight's Bridge, and at or near Pinson's Ford, below.

Gambrell's
Bridge.

XVIII. That the bridge across Saluda River, known as Gambrell's Bridge, be re-chartered, with the same rates of toll now allowed by law; and that all the rights, privileges and franchises incident thereto be vested in James McCullough and Enoch B. Gambrell, their heirs and assigns, for a period of seven years: *Provided*, That nothing herein contained shall be so construed as to interfere with the right of the neighborhood to erect and keep in repair, free of toll, a bridge across the same river at Smith's Mills, above the said Gambrell's Bridge.

Henderson's
Ferry.

XIX. That the ferry across the Enoree River, known as Henderson's Ferry, be, and the same is hereby, re-chartered, with the following rates of toll, instead of those heretofore fixed by law, viz: For every foot passenger, five cents; for every man and horse, ten cents; for every loose horse, five cents; for every head of cattle, five cents; for every head of hogs, sheep or goats, three cents; for every wagon or buggy drawn by one horse, twenty-five cents; for every wagon, buggy or carriage drawn by two horses, thirty-five cents; for every wagon drawn by four or six horses, fifty cents. And that all the rights, privileges and franchises incident thereto be vested in Thomas Henderson, his heirs and assigns, for a period of seven years.

Streets of
Manning to be
opened.

XX. That the streets of the town of Manning, as laid out by the Commissioners appointed to lay out the said village, by the second Section of an Act entitled "An Act to establish Clarendon County as a separate Judicial District," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, shall be under the jurisdiction of the Commissioners of Roads for Clarendon District; and the said Commissioners of Roads are hereby authorized to levy a tax upon the taxable inhabitants of the said District, sufficient to meet the expenses of opening the said streets, which tax shall be collected and accounted for by the said Commissioners in the same manner as the taxes they are now authorized by law to raise; or to open and put the same in good order by the labor of the persons liable to work thereon as public roads.

XXI. That when the streets of the said village shall have been opened the same shall be worked and kept in repair by the said Commissioners of Roads for Clarendon District, in the same manner, in all respects, as the other public highways in the said District.

A. D. 1859.

To be worked.

XXII. That a public road in Newberry District, leading from Frederick Boozer's, by Francis Dawkins' and George Mayer's, thence by Adam Mouts', intersecting the McNary's Ferry Road below Dr. J. L. Hall's, be, and the same is hereby, established: *Provided, however,* That the said Frederick Boozer shall, during the pleasure of the General Assembly, be authorized to erect and keep across said road one gate, as long as the same shall be kept in good repair.

Public road in Newberry.

XXIII. That the ferry heretofore known as Barksdale's Ferry, over Savannah River, is hereby re chartered for the period of seven years; and that all the rights, privileges and franchises incident thereto be vested in the present owners, Mary Simmons and Francis Mattheson, their heirs and assigns, with the same rates of toll heretofore established for the same.

Barksdale's Ferry.

XXIV. That the Commissioners of Roads for St. James' Goose Creek Parish be, and they are hereby, authorized to erect a toll gate across the State Road at or near the Twelve Mile House, and charge ten cents for two horse wagon, twenty cents for four-horse wagon, five cents for man and horse, two cents for each head of cattle, sheep, hog, or goat, twenty-five cents for each pleasure carriage or wagon, and ten cents for each buggy or sulky: *Provided,* That the said Commissioners be, and they are hereby, required to cause the Treasurer of their Board to give bond, with good and sufficient sureties, in the sum of two thousand dollars, conditioned for the safe keeping of all moneys that may come into his hands arising from tolls collected under this Act: *And, provided further,* That the tolls collected under this Act shall be applied to no other purpose than keeping up said road, and building and repairing the said road: *And provided, also,* That they shall report every year to the Legislature the amount of tolls collected and the manner in which they have been expended.

Toll gate to be erected.

XXV. That it shall be the duty of the Commissioners of Public Buildings for the several Districts and Parishes to supervise and direct jail discipline as well as the condition of the public buildings.

Jail discipline.

XXVI. That in addition to the number now constituting the Lower Board of Commissioners of Roads for the Parish of St. Bartholomew, one other Commissioner be appointed, who shall hold his office by the like tenure, be liable to the same duties and subject to the same penalties as are imposed by law on the said Board of Commissioners of Roads.

Additional Commissioner appointed.

XXVII. That a ferry across the Great Pee Dee River be, and the same is hereby, chartered, and that all the rights, privileges and franchises incident thereto be, and the same are hereby, vested in James H. Allison, his heirs and assigns, for a period of seven years, with the following ferriage: Short Ferry—for a foot person, five cents; for man and horse, ten cents; for all vehicles drawn by one horse, twenty-five cents; for all carriages drawn by two horses, fifty cents; for a two-horse wagon, seventy-five cents; for a four-horse wagon, one dollar; for cattle, five cents each; for hogs, sheep and

Ferry across Great Pee Dee River.

A. D. 1859.

goats, three cents. Long Ferry—for a foot person, twenty-five cents; for man and horse, fifty cents; for all vehicles drawn by one horse, one dollar and fifty cents; for carriages drawn by two horses, two dollars; for a two-horse wagon, two dollars and fifty cents; for a three-horse wagon, three dollars; for a four-horse wagon, four dollars.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4473. AN ACT TO PROVIDE FOR THE ORGANIZATION OF A PROPER FIRE GUARD IN THE CITY OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of the Brigadier General in command of the Fourth Brigade Infantry, South Carolina Militia, or, in case of his absence, of the senior officer of such brigade resident in Charleston, and the said Brigadier General, or, in case of his absence, such officer, is hereby required to organize a Fire Guard from the volunteer companies in said city of Charleston, which said guard shall consist of not more than four, and not less than two, companies.

Authority to
organize Fire
Guard.

II. That the said Fire Guard shall be provided with ammunition, and be subject to such orders, and be kept under such discipline, and shall perform such duty, and shall serve such time as may be indicated by the special orders of said Brigadier General forming such Guard.

Duties.

III. Courts Martial shall be ordered and held on all cases of default of duty on said Fire Guard, and the fines for such default shall be the same as for non-performance of ordinary militia duty.

Courts Mar-
tial.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4474. AN ACT TO EXEMPT FROM CITY TAXES THAT PORTION OF CHARLESTON LYING NORTH OF SHEPHERD STREET.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all that portion of the real estate of the city of Charles-

ton situate north or west of a line extending from Ashley River to Cooper River, said line to be ascertained by following the middle of Shepherd Street, and projecting the same from either end to the low-water mark on the two rivers, respectively, shall, from and after the first day of January next, be exempt from taxes imposed by authority of the city, for the period of ten years next ensuing thereafter.

A. D. 1850.

Exempt for ten years.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AFFORD INCREASED FACILITIES FOR THE ADMINISTRATION OF JUSTICE IN CHARLESTON DISTRICT. No. 4475.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Court of General Sessions and Common Pleas for Charleston District, commencing on the second Monday in January in each year, shall hereafter sit for six weeks, if so much time be necessary.

When to sit.

II. That immediately after the ratification of this Act, it shall be the duty of the Clerk for Charleston District, in the presence of the Sheriff and a Magistrate, to draw Jurors, who shall be summoned for the fifth and sixth weeks of the January Term ensuing, under and by venires issuing in the manner now prescribed by law.

Jurors to be drawn.

III. That it shall be the duty of the presiding Judge to devote the first two weeks of each term of said Court to the sessions business, if so much time be necessary, and no more; the third week of each term to the country business, as heretofore prescribed; and the remainder of the term to the call of the civil docket.

Sessions business.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE LAW IN RELATION TO HOMICIDE. No. 4476.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the author-

A. D. 1859.

Where case to
be tried.

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

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

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

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4477. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE QUALIFICATION OF JURORS," RATIFIED ON THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to alter and amend the law in relation to the qualification of Jurors," ratified on the twenty-

Who liable.

first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be so amended as to read as follows: "That every person not heretofore exempted by law from serving on Juries, who may be entitled by the Constitution of this State to vote for members of the State Legislature, and who shall have paid the year preceding the sitting of the court at which a new Jury list shall be made, a tax of any amount whatever for property held in his own right, shall be liable to serve as a Grand or Petit and Pleas Juror."

A. D. 1859.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT FOR THE RELIEF OF JACOB FEASTER.

No. 4478.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General shall endorse the guaranty of the State upon five bonds of the Spartanburg and Union Railroad Company, each for the sum of five hundred dollars, numbered respectively 94, 95, 96, 97 and 98, issued and delivered by the said company to the said Jacob Feaster as duplicates of original bonds, of the same tenor, formerly held by the said Jacob Feaster, and supposed to be lost or destroyed; which said guaranty shall be in the same terms, and shall have the same legal effect as the guaranty endorsed in the name of the State upon the original bonds: *Provided, however,* That before such endorsement shall be made, a sufficient bond of indemnity to secure the State from every loss or damage which may be suffered by reason of the guaranty upon the said original bonds, shall be first executed and delivered to the Comptroller General, with sureties which, in his judgment, are amply sufficient to secure the State, the said bond to be approved by the Solicitor of the Northern Circuit.

Duplicate
bonds to be is-
sued.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER THE LAW IN RELATION TO THE COMMISSIONS OF GUARDIANS, EXECUTORS AND ADMINISTRATORS.

No. 4479.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1859. same, That when any guardian of an infant child dies, after receiving any of the funds of his or her ward, the estate of such deceased guardian shall be allowed commissions for paying over, as well as for receiving, the funds of such ward remaining in the hands of such guardian at the time of his or her death: *Provided*, The payment over is made to the ward, and not to another guardian.

Commissions allowed.

In case of death. II. That when any executor or administrator dies, after having settled the estate of the testator or intestate, except paying over the legacies or shares of the legatees or distributees, the estate of such executor or administrator shall be allowed commissions for paying over such legacies or distributive shares, as well as for receiving them.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4480. AN ACT TO PROVIDE FOR COMPENSATION IN DAMAGES TO THE FAMILIES OF PERSONS KILLED BY THE FAULT OF OTHERS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever, after the passing of this Act, the death of a person shall be caused by the wrongful act, neglect or default of another, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the person or corporation who would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, although the death shall have been caused under such circumstances as make the killing, in law, a felony.

Object of Act.

For whose benefit. II. That every such action shall be for the benefit of the wife, husband, parent and children of the person whose death shall have been so caused, and shall be brought by, or in the name of, the executor or administrator of such person, and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought, and the amount so recovered shall be divided among the before mentioned parties in such shares as they would have been entitled to if the deceased had died intestate, and the amount recovered had been personal assets of his or her estate: *Provided*, That in all actions brought under this Act the executor or administrator, plaintiffs in the action, shall be liable to costs in case there be a verdict for the defendant, or non-suit, or discontinuance, out of the goods, chattels and lands of the testator or intestate, if any; if none, then out of the

Costs.

proper goods and chattels of such executor and administrator: *And, provided further*, That the action be brought within two years from the death of such person.

III. That the provisions of this Act shall not apply to any case where the person injured has, for such injury, brought action which has proceeded to trial and final judgment before his or her death.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1859.

AN ACT TO MAKE OWNERS OF DOGS LIABLE FOR SHEEP KILLED BY THEM. No. 4481.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the owner of any dog, or person having in his care or keeping any dog, or person upon whose premises any dog may be kept by his or her slave, shall be liable to pay to the party injured double the value of all sheep that may be killed or injured by such dog, to be recovered by action of trespass on the case, at the suit of the party injured, in any court having competent jurisdiction.

Owners of
dogs to pay for
sheep killed.

II. That in all actions brought for the recovery of damages, under the provisions of this Act, the recovery of two dollars shall, in all cases, carry full costs.

Costs.

III. That an annual tax of one dollar be, and is hereby, imposed upon every dog kept by a slave, to be paid by the owner of such slave; and it shall be the duty of every owner of such slave or slaves to make, annually, a return to the Tax Collector of his or her District, at the time of making his or her general tax return, of every dog so kept by his or her slave or slaves; or, failing so to do, such owner shall be liable to a fine of two dollars for each and every dog so kept and not returned, to be recovered by execution, as in other cases of default in making tax returns.

Tax on dogs
kept by slaves.

IV. That an annual tax of two dollars be, and is hereby, imposed upon every dog kept by any free negro or other free person of color, and it shall be the duty of every such free negro, or free person of color, to make, annually, a return to the Tax Collector of his or her District, at the time of making his or her general tax return, of every dog so kept by him or her; or, failing so to do, he

Tax on dogs of
free negroes.

A. D. 1859.

or she shall be fined in the sum of three dollars, to be collected by execution, as in other cases of default in making tax returns.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4482. AN ACT TO VEST ALL THE RIGHT AND TITLE OF THE STATE, IN AND TO CERTAIN PROPERTY SUBJECT TO ESCHEAT, IN CERTAIN PERSONS THEREIN MENTIONED.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to a certain tract of land of William A. Cauble, deceased, which is subject to escheat, containing two hundred acres, more or less, situate in Greenville District, and bounded by lands of William A. Crowder and others, be, and the same is hereby, vested in Peter F. Suduth, his heirs and assigns forever.

II. That all the right, title and interest of the State in and to the real and personal estate of Thomas B. Newman, late of Barnwell District, deceased, and which is subject to escheat, be, and the same is hereby, vested in Ellen Sweat, her heirs and assigns forever.

III. That all the right, title and interest of the State in and to a certain tract of land in Spartanburg District, containing one hundred and fifty-one acres, more or less, which recently belonged to one Patrick O'Shansey, deceased, but is now liable to escheat, be, and the same is hereby, vested in James Fields, his heirs and assigns forever: *Provided*, That before the said title shall vest, the said James Fields shall pay and satisfy all the just debts of the said Patrick O'Shansey, deceased.

IV. That all the right, title and interest of the State in and to the proceeds of the sale of a certain tract of land of Caesar Peu, deceased, a free person of color, situate in Anderson District, adjoining the town of Williamston, containing eighty acres, more or less, whereon Abram and Polly, his wife, free persons of color, now reside, and which is subject to escheat, be, and the same is hereby, vested in Robert A. Maxwell, his executors and administrators, in trust for the sole and separate use and benefit of the said Polly, a free person of color, as aforesaid, during the time of her natural life, and after her death in trust for any child or children she may leave, with power on the part of the said R. A. Maxwell, if he

shall deem it to the interest of the said Polly, to invest the said proceeds of sale at will, and to re-invest the same from time to time to the same uses and trusts.

A. D. 1859.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CONFER THE RIGHTS OF LEGITIMACY ON CERTAIN CHILDREN OF JOHN MONTS. No. 4483.

Whereas John Monts, of Newberry District, on the sixth day of September, one thousand eight hundred and twenty-seven, intermarried with Magdaline Summer, whose husband, Abraham Summer, had abandoned her, and had not been heard of for twenty years previous, but who, it has recently been ascertained, did not die until June, eighteen hundred and fifty-four; therefore, for the relief of the said parties,

John Monts
and Magdaline
Summer.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the children of John Monts, begotten upon the body of Magdaline Summer, called by the names of Nancy Caroline Long, (wife of J. W. Long,) Adam W. Monts, G. Michael Monts, Walter Monts and Frances Elizabeth Monts, be, and they are hereby, invested with all the rights and privileges of legitimate children, and authorized and entitled to take and hold real and personal estate, under the Statutes for distribution of intestate's estates, or as legatees and devisees of the said parents, in the same manner and to the same extent as if they had been born in lawful wedlock.

Their children.

⁵In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE WILMINGTON AND MANCHESTER RAILROAD COMPANY." No. 4484.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be lawful for the President and Directors of the Wilmington and Manchester Railroad Company, and they are

A. D. 1859. hereby authorized and empowered, with the consent of the stockholders, to create preferred stock, and issue certificates therefor to an amount not exceeding three thousand shares; and to sell and dispose of the same for the purpose of liquidating so much of the debt of the company.

To create preferred stock.

Dividends.

II. *Be it further enacted*, That, in order to render the said stock available for the purpose aforesaid, the said President and Directors are hereby further empowered to guaranty to the purchasers the payment of annual dividends thereon, not exceeding eight dollars per share, by pledging the income of the said company over and above its current expenses and the interest on its unpaid debt.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4485. AN ACT TO AUTHORIZE THE COMMISSIONERS OF PUBLIC BUILDINGS FOR RICHLAND TO SELL A CERTAIN PIECE OF LAND IN THE CITY OF COLUMBIA.

Authority to sell part of jail lot.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Public Buildings for Richland be, and they are hereby, authorized to sell and convey unto J. C. Walker, or any other person desiring the same, so much of the north end of the jail lot of the said District of Richland (not exceeding five feet) as may be necessary to straighten the alley bounding said jail lot on the north, at a valuation to be fixed by any three disinterested citizens of the city of Columbia, for that purpose to be designated by the said Board of Commissioners of Public Buildings.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4486. AN ACT TO AMEND THE CHARTER OF THE TOWN OF CAMDEN IN CERTAIN PARTICULARS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

same, That the Town Council of Camden be, and they are hereby, authorized to abandon work on such streets and parts of streets in said town as are valueless to the citizens thereof as highways, and to enclose the same.

A. D. 1859.

Council
authorized to
stop work.

II. That they be, and are hereby, authorized to increase the patrol commutation tax now allowed by law, to a sum not exceeding eight dollars *per annum* on each person liable to pay such tax.

Patrol tax.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PUBLIC BUILDINGS FOR WILLIAMSBURG DISTRICT TO SELL CERTAIN PORTIONS OF THE PUBLIC GROUNDS.

No. 4487.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Public Buildings for Williamsburg District be, and they are hereby, authorized to lay out a lot one hundred and five feet square, on the east corner of the Public Square and Main street of the village of Kingstree, and also a lot of the same size on the west corner of the Public Square and Main street, and sell the said lots at public sale to the highest bidder, after giving at least twenty-one days' previous notice, and to appropriate the proceeds of said sale to the use of the District: *Provided*, That said Commissioners shall not accept a bid of less than two hundred and fifty dollars each for said lots: *And, provided further*, That it shall be an irrevocable condition of said sale, that the purchasers shall erect none other than brick buildings thereon.

Lots to be sold
in Kingstree.

Condition.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO EXEMPT TEACHERS AND STUDENTS FROM THE PERFORMANCE OF ROAD DUTY.

No. 4488.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Students of the several Schools, Academies and

A. D. 1850. Colleges of this State, and Professors of all institutions of learning, Teachers of every kind, and School Masters, shall be, and they are hereby, exempted from the performance of road duty.

All teachers exempt from road duty.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4489. AN ACT TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL MAGISTRATES FOR LEXINGTON AND GEORGETOWN DISTRICTS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the Magistrates now allowed by law, William Moultrie Gibbes be, and is hereby, appointed a Magistrate for the Beat Company in which the Saluda Factory, in Lexington District, is located; and shall hold office for four years, and thence for forty days after the end of the session of the Legislature, at, during, or after which, such appointment shall expire.

Additional Magistrate for Lexington.

For Georgetown District.

II. That four Magistrates be appointed for each Beat Company in Georgetown District, in addition to the number now prescribed by law, as follows, to wit: Black River, F. S. Parker, J. Rees Ford, Paul Fitzsimons, Henry P. Kiston; Peedee, Benjamin Allston, R. Stark Heriot, Joseph K. Tucker, B. M. Grier; Black Mingo, James Snow, E. P. Coachman, Francis Green, D. L. Perkins; Waccamaw, Mayham Ward, Thomas W. Daggett, William C. White, Plowden C. J. Weston; Santee, W. J. Maxwell, A. M. Manigault, F. W. Ford, A. W. Cordes; and to hold office as aforesaid.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4490. AN ACT TO PUNISH ATTEMPTS TO POISON.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whosoever shall unlawfully and maliciously administer to, or cause to be taken, by any person, any poison or other destructive thing, with intent to kill such person, every such offender, and every person counseling, aiding or abetting such offender, shall be guilty

Penalty.

of felony, and upon conviction thereof, shall suffer death, without benefit of clergy.

A. D. 1859.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER THE LAW AS TO LEGAL PROCEEDINGS AGAINST RAILROAD COMPANIES. No. 4491.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the ratification of this Act, any action at law or suit in equity against any railroad company chartered by this State, may be commenced in the District wherein the cause of action or ground of complaint shall have arisen, by personal service of process on the President of such company, in any District in this State, which process shall be returnable to the court of the District in which the cause of action arose: *Provided*, That nothing herein contained shall be construed to prevent the commencement of any action at law or suit in equity in the manner heretofore provided by law.

When suits
may be com-
menced.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE NINTH SECTION OF AN ACT ENTITLED "AN ACT TO AUTHORIZE THE FORMATION OF LIMITED PARTNERSHIPS." No. 4492.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ninth Section of the Act passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, be so altered and amended as that the publication of the terms of partnership, when registered, shall be made at least once a week for six weeks, immediately after such registry, in any one of the newspapers in the District in which the business of such partnership is carried on, and if no newspaper be published in said District, then that the notice thereof shall be published as

Terms of part-
nership to be
published six
weeks.

A. D. 1859.

aforesaid in any one of the newspapers of any adjoining District in which newspapers or a newspaper may be published, and be posted up on the door of the court house of the District in which the said firm may be located.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4493. AN ACT TO ALTER THE TIME FOR COUNTING THE VOTES FOR TAX COLLECTOR OF ORANGE PARISH.

Tax Collectors
of Orange Parish.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter the votes for Tax Collector for Orange Parish shall be counted and the election declared on the same day that the votes are counted for members of the General Assembly.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4494. A BILL TO ALTER AND AMEND THE TENTH SECTION OF THE FIRST ARTICLE OF THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA.

When Senators
and Members
to be elected in
1862, and after-
wards.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the tenth Section of the first Article of the Constitution of this State be altered and amended to read as follows: Senators and members of the House of Representatives shall be chosen on the Tuesday after the second Monday in October, in the year of our Lord one thousand eight hundred and sixty-two, and on the same day in every second year thereafter, in such manner and at such times as are herein directed, and shall meet on the fourth Monday in November, annually, at Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation,) unless the casualties of war or contagious disorders should render it unsafe to meet there; in either of which cases the Governor or Commander-in-Chief for the time being, may, by proclamation, appoint a more

secure and convenient place of meeting: *Provided*, That nothing herein contained shall be so construed as to apply to those Senators whose term of office will not expire on the second Monday in October, in the year of our Lord one thousand eight hundred and sixty-two.

A. D. 1859.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America: We certify that the above Bill has been read the present session three times in the House of Representatives and three times in the Senate, and was agreed to by two-thirds of the whole representation.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A BILL TO ALTER AND AMEND THE THIRD SECTION OF THE FIRST ARTICLE OF THE CONSTITUTION OF THIS STATE. No. 4495.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the election District declared and known in the Constitution by the name of Claremont, shall be hereafter known and recognized by the name of Sumter.

Sumter.

II. *Be it further enacted by the authority aforesaid*, That the Election District, declared and known in the Constitution by the name of "Liberty," shall be hereafter known and recognized by the name of "Marion."

Marion.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and in the eighty-fourth year of the sovereignty and independence of the United States of America: We certify that the above Bill has been read the present session three times in the House of Representatives, and three times in the Senate, and was agreed to by two-thirds of the whole representation.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY. No. 4496.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned shall be raised and paid into the Treasury of this State for

Tax on lands.

A. D. 1861.	the use and service thereof, that is to say: one dollar and thirty cents, <i>ad valorem</i> , on every hundred dollars of the value of all lands granted in this State, according to the existing classification as heretofore established; one hundred and twenty-six cents per head on all slaves; three dollars on each free negro, mullato or mustizo between the ages of fifteen and fifty years, except such as shall clearly be proved to the satisfaction of the Collector to be incapable, from maims or otherwise, of procuring a livelihood; twenty-two cents, <i>ad valorem</i> , on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State; one hundred cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, and including herein Clerks of Courts of Common Pleas and General Sessions, Sheriffs, Masters and Commissioners in Equity, Registers in Equity, Registers of Mesne Conveyance, Ordinaries and Coroners, (whether in the profession or employment of law or equity the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen, schoolmasters, schoolmistresses and mechanics; one hundred cents on every hundred dollars on the amount of commissions received by vendue masters and commission merchants; forty cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and sixty, of all banks which, for their present charters, have not paid a bonus to the State; eighty cents per hundred dollars on the capital stock of any bank of issue, not incorporated by this State, paid in on the first day of October, one thousand eight hundred and sixty, doing business by agents within the limits of this State; forty cents per hundred dollars on the capital stock of all incorporated gas light companies; one and a half per centum on all premiums taken in this State by incorporated insurance companies, and by the agencies of insurance companies and underwriters, without the limits of the State; twenty-two cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the slaveholding States of the late United States excepted,) which any person shall have made from the first day of January, in the year of our Lord one thousand eight hundred and sixty, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-one, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; ninety cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place, whether the said sale be made by sample or otherwise; twenty dollars per day for all circus exhibitions; five dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the Treasuries of the State of South Carolina, except in cases where the same is now required
Slaves and free negroes.	
Lots and buildings.	
Factorage, professions, and offices.	
Commissions.	
Bank capital, bonus not paid.	
On foreign incorporated banks.	
Gas light companies.	
On insurance premiums.	
Merchandise.	
Sale of transient merchandise.	
Circus and stage employments.	

by law to be paid to corporations or otherwise; one-tenth of one per cent. on all moneys loaned, moneys at interest, all moneys invested in the stocks or bonds of any State or corporation other than bonds or stocks of this State, and other than the stocks of the banks and railroad companies of this State; one hundred and fifty cents for every hundred dollars of gross receipts of all commercial agencies within the limits of this State; thirteen cents on every pack of playing cards sold in the State; fifteen dollars upon every billiard table within this State, used to and for the purpose of raising a revenue therefrom; one hundred cents on the hundred dollars of all salaries, including public offices, except officers of the army and the navy, and wages over the sum of five hundred dollars, from whatever source derived, received or paid in this State.

A. D. 1861.
 Moneys at interest.

Commercial agencies.
 Playing cards.
 Billiard tables.
 Salaries.

II. All taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax District in which said property is located.

Taxes, to whom payable.

III. The Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, are hereby required and enjoined to state the precise amount of taxes collected by them for supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes; and the Comptroller General shall return the same in his report.

Tax Collectors to return police tax.

IV. Free negroes, mulattoes and mustizoes are hereby required to make their returns and pay their taxes during the month of March; and the Tax Collector of St. Philip's and St. Michael's is allowed until the month of May to receive the taxes of white persons.

Free negroes, when to make returns.

V. The lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax District in which they are situate in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

Houses and lots on Sullivan's Island to be taxed.

VI. That within thirty days after the ratification of this Act the various Tax Collectors throughout this State shall file in the office of the Treasurer of their respective Divisions their respective bonds, approved by the Commissioners to approve securities to bonds of public officers of their respective Districts, in the penalty of twice the amount severally collected by the said Tax Collectors during the fiscal year commencing in October, one thousand eight hundred and fifty-nine: *Provided*, That nothing herein contained shall require new bonds to be given by such Tax Collectors as have been elected and given bonds since the twenty-first day of December, one thousand eight hundred and fifty-nine. That the commissions to be received by the various Tax Collectors of this State, for the year commencing on the first day of October, one thousand eight hundred and sixty, shall be at the rate of eighty per cent. of the commissions now allowed them by law.

Tax Collectors, new bonds of.

Proviso.
 Commissions to

VII. That the fifth Section of an Act entitled "An Act to authorize the issue of certificates or stock to provide for the military defense of the State," ratified on the twenty-second day of December, one thousand eight hundred and sixty, be amended so as to read as follows, to-wit: That all moneys arising from the sale of the said certificates shall be placed in the Treasury at Charleston, and

Amendment to "Certificate or Stock" Act.

Money, where to be placed, to whose order paid.

A. D. 1861.

that the sum of one hundred and fifty thousand dollars thereof shall be subject to the draft of the Ordnance Officer, countersigned by His Excellency the Governor, and the remaining sum of two hundred and fifty thousand dollars shall be applied to the fund appropriated for the military defense of the State, and shall be subject to the draft of His Excellency the Governor, countersigned by the member of the Executive Council charged with the Treasury Department.

Bank of State
to issue certifi-
cates or bonds.

VIII. That the President of the Bank of the State of South Carolina be, and he is hereby, authorized and required to issue, in the name of the State of South Carolina, four thousand five hundred certificates or bonds of the value of fifty dollars each; two thousand five hundred certificates or bonds of the value of one hundred dollars each, and four hundred certificates or bonds of the value of five hundred dollars each, to be signed by the said President and countersigned by the Cashier of the said bank, bearing interest at the rate of seven per cent. per annum, payable on the first day of July of each and every year at the Treasury, and redeemable thereat, that is to say: The four thousand and five hundred certificates or bonds of fifty dollars each to be redeemable on the first day of July which will be in the year of our Lord one thousand eight hundred and sixty-eight; the two thousand five hundred certificates or bonds of one hundred dollars each to be redeemable on the first day of July which will be in the year of our Lord one thousand eight hundred and seventy, and the four hundred certificates or bonds of five hundred dollars each, to be redeemable on the first day of July which will be in the year of our Lord one thousand eight hundred and seventy-two; and which said certificates or bonds shall have suitable coupons, to be signed by an officer appointed by the President of the said bank, attached thereto.

When redeem-
able.

Where paya-
ble.

IX. That the said certificates or bonds, and the respective coupons thereto, shall be received at the Treasury of the said State, as the same shall respectively become payable, in payment of taxes and other debts due to the State of South Carolina.

Payment, State
pledged for.

X. That the faith of the State is hereby pledged for the punctual payment of the interest on the said certificates or bonds, and for the redemption of the principal of the same when it shall become due.

Moneys from,
to be placed in
Treasury.

XI. That all moneys arising from the sale of the said certificates or bonds shall be placed in the Treasury at Charleston, and subject to the draft of His Excellency the Governor, countersigned by the member of the Executive Council charged with the Treasury Department. That the Bank of the State of South Carolina is hereby appointed the Agent of the State for the sale of the said certificates or bonds, and is authorized to sell the same at the market value, with power and authority to appoint sub-agents under it for the sale thereof.

Treasury notes,
by whom is-
sued.

XII. That in case there shall be required for military contingencies a larger sum of money than shall be raised by the taxes herein provided for, and the issuing of the Treasury notes also provided for, it shall and may be lawful, upon the request of the Governor of the State, for the President of the Bank of the State of South Carolina to issue and put in circulation notes or certificates, in the form hereinafter prescribed, of such denomination, not less

than one dollar, as the said President may deem proper, which said notes or certificates so to be issued shall be receivable in payment of taxes and other dues to the State for the sum therein expressed: *Provided*, That the whole amount of such notes or certificates shall not exceed the sum of two hundred thousand dollars; and the said notes or certificates shall be in the following form, viz: "This note or certificate will be received in payment of taxes and other dues to the State for _____ dollars," and shall be signed by the President and Cashier of the said bank, or such other person or persons as the said President may appoint for that purpose. And it shall be lawful for any of the banks of this State to pay or deliver out and circulate the notes or certificates issued in pursuance of this Act. That the President of the Bank of the State of South Carolina shall pay the drafts of the Governor, countersigned by the member of the Executive Council charged with the Treasury Department, for any amount not exceeding the amount of such notes or certificates issued and put in circulation by the said bank. That the twenty-first Section of an Act entitled "An Act to raise supplies for the year commencing October, one thousand eight hundred and twenty-three," ratified on the twentieth day of December, one thousand eight hundred and twenty-three, be re-enacted and henceforth declared of force, in the words following, that is to say: "That the Treasurers of the State shall be required hereafter not to receive any tax returns which shall not be made in strict conformity to the instructions of the Comptroller General. That the Treasurers of this State be instructed to receive in payment of taxes the bills and notes of all the banks of this State, unless, in the opinion of the Comptroller General, it shall become unsafe to receive bills or notes of one or more of such banks, in which case he shall be authorized to issue instructions to the Tax Collectors to refuse the notes of such bank or banks."

A. D. 1861.
 Taxes paid with.
 Amount of issue.
 Form of.

Banks may circulate.

Sec. 21, Supply Act 1823, re-enacted.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY. No. 4497.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

Appropriations

IN THE EXECUTIVE DEPARTMENT.—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the

Executive Department.

A. D. 1861.

Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

Legislative
Department.

II. IN THE LEGISLATIVE DEPARTMENT.—For the pay of the Members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, fifty thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, one thousand two hundred dollars each, and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for W. C. Waterbury, Assistant Messenger of the Senate, one hundred and twenty-five dollars; and for J. J. Farrell, Keeper of Hibernian Hall, two hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars. And for the services at the session commencing on the third January, eighteen hundred and sixty-one: To the Clerks of the Senate and House of Representatives, two-thirds of the usual amount; and for the services of the two Assistant Clerks of the Senate and House of Representatives, two-thirds of the usual amount; for the salaries of two Messengers and two Doorkeepers, each two-thirds of the usual amount; and for the salaries of the Reading Clerks of each House, two-thirds of the usual amount of their salaries; for extra services of the Messenger of the Senate, fifty dollars; for extra services of the Messenger of the House of Representatives, fifty dollars, to be paid at the end of the session; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, six hundred dollars; for the services of the Engrossing Clerks at session of January, eighteen hundred and sixty-one, to be paid under the direction of the President of the Senate and Speaker of the House, five hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, twelve thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, three thousand seven hundred and fifty dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasury of the Upper

A. D. 1861.

Division before the twentieth day of March next, and the amount to be paid, according to the proposals, which shall be ascertained by the Treasurers aforesaid: *And, further provided*, That the Printer of Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward by mail to each Member of the General Assembly and each of the Judges a copy of such newspaper, as soon as such newspaper is issued; for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts and expenses for election returns, fourteen hundred dollars, if so much be necessary; for the Clerks of the Senate and House of Representatives, three hundred dollars each in full compensation for their services and the services of their assistants during the extra session of the General Assembly; two thousand six hundred dollars for the fourth installment of the State subscription to the reprint of certain of the Law and Equity Reports, to be paid to Messrs. McCarter & Co., upon the delivery by them, to the Legislative Librarian, of the copies of said Reports; for the payment of the gas lights and fuel used at the sessions of the General Assembly in Charleston, three hundred dollars, if so much be necessary.

III. IN THE JUDICIARY DEPARTMENT.—For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said court at Columbia, two hundred and fifty dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel; for fire wood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same court, two hundred and fifty dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel; for fire wood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant to be drawn by the presiding Judges of the Court of Appeals at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sitting of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions

Judiciary Department.

A. D. 1861.

of the said courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods, before filing their opinions; *And further provided*, That the said Reporter shall publish in one or more of the newspapers at Columbia an abstract of the principles decided by the Court of Appeals in its opinions, as soon as practicable after the delivery of the same; for the pay of the jurors and Constables, forty thousand dollars, if so much be necessary, the certificates to be paid at either Treasury.

Treasury Department.

IV. IN THE TREASURY DEPARTMENT.—For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, said Clerk to be appointed and removed at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars; for the Treasurer of the Lower Division for extra services in the issue of the Treasury Certificates with their coupons, and the necessary duties attendant thereupon, under the Act to authorize the issue of certificates or stock to provide for the military defense of the State, four hundred dollars.

South Carolina College.

V. FOR THE SOUTH CAROLINA COLLEGE.—For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars, the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their draft being countersigned by the Treasurer of the College; for the expense of one student at the South Carolina College, sent by the Orphan House in Charleston, four hundred dollars, to be paid to the order of the Chairman of the Board of Commissioners of the Orphan House.

Ordinary civil expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the Upper Division, twenty-eight thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, twenty-three thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, two thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature, at its present session, sixteen thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several election Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the education of the Deaf and Dumb, and of the Blind, eight thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the Committee of Ways and Means, and of

Finance and Banks, agreed to by the Legislature, two hundred and fifty dollars, if so much be necessary; for the payment of such other claims and demands on the State as may be allowed by the General Assembly upon the reports of the other Committees, four thousand dollars, if so much be necessary; for compensation, according to the Act of eighteen hundred and fifty-eight, for slaves executed, four thousand dollars, if so much be necessary.

VII. FOR MILITARY EXPENDITURES.—For the salaries of the following officers, to-wit: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard at Charleston, each five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty thousand dollars, if so much be necessary; and also five hundred dollars for increasing the Library of the Citadel Academy at Charleston, to be drawn and applied by the Board of Visitors of said Academies, so that their support shall not exceed the said sum, to be drawn and accounted for to the Legislature by the said Board of Visitors: *Provided*, That each Judicial District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or, in that proportion, as far as the appropriation for the school may allow; for defraying the expenses of the Artillery Companies, and the Corps of Pioneers belonging to the Regiment of Artillery in Charleston: (*Provided*, That the Corps of Pioneers shall receive fifty dollars, and no more, and to be drawn in the same way as now provided by law for Artillery Companies,) two thousand dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the Quartermaster General, five hundred dollars; for the services of the Secretary of State, during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries are directed to be paid by law. For the salaries of the following officers, to-wit: Ordnance officer, three thousand dollars; Clerk of the Ordnance officer, one thousand dollars, if so much be necessary, to be paid upon the draft of the said Ordnance Officer, the said salaries to be paid quarterly; for the Ordnance fund, as required by an Act entitled "An Act to establish a Board of Ordnance and an Ordnance Bureau, and for other purposes," ten thousand dollars, to be subject to the draft of His Excellency the Governor, countersigned by the member of the Executive Committee charged with the Treasury Department; to defray the expenses attendant upon the military defense of the State, nine hundred and fifty thousand dollars, to be subject to the draft of His Excellency the Governor, countersigned by the member of the Executive Council charged with the Treasury Department: *Provided*, That the sum of one hundred and fifty thousand dollars, already ordered to be advanced by the Bank of the State, be included in the above amount.

VIII. FOR ORDINARY LOCAL EXPENDITURES.—For the support of the transient poor of Charleston, seven thousand dollars,

A. D. 1861.

Military expenses.

Ordinary local expenditures.

A. D. 1861.

to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building, in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish; for maintaining and keeping open the Roper Hospital in Charleston, three thousand dollars, to be paid to the Medical Society in trust for the Roper Fund, to defray the expenses of the said Hospital; for the support of the State Normal and High School at Charleston, five thousand dollars, to be subject to the draft of the Commissioners of Free Schools of St. Philip's and St. Michael's, and to be applied by them as prescribed by law; for the support of the Catawba Indians, twelve hundred dollars, if so much be necessary.

Extraordinary expenses.

IX. FOR EXTRAORDINARY EXPENDITURES.—For J. H. Williams, as compensation for the compilation of the Militia and Patrol Laws, to be paid as directed by the Committee on the Military, five hundred dollars; for B. F. Arthur, for recording documents of Palmetto Regiment, to be paid as directed by the Military Committee, six hundred dollars; for James L. Petigru, for salary for the year eighteen hundred and sixty, as Commissioner to make a Code of the Statute Law of South Carolina, five thousand dollars; and also for the services of his assistants, two thousand eight hundred and thirty-three dollars, to be paid to him as directed by an Act entitled "An Act further to provide for a Code of the Statute Law of South Carolina," ratified on the nineteenth day of December, eighteen hundred and fifty-nine; and also the sum of six hundred and seventeen dollars, to be paid to him for the expenses of printing, stationery and postage, as provided by the said Act; for James L. Petigru, as salary as Commissioner aforesaid, five thousand dollars; and also the sum of four thousand dollars, if so much be necessary, for the services of his assistants, to be paid to him under the provisions of the aforesaid Act; for James Jones, Commissioner of the new State House, for salary for the year eighteen hundred and sixty, four thousand dollars, to be paid to him agreeably to law; for the salary of the Commissioner of the new State House, three thousand five hundred dollars; for Professor Holmes, for the sixth year's subscription in aid of Tuomey & Holmes' Fossils of South Carolina, two thousand dollars, to be paid as heretofore, whenever two hundred copies of the next series of five numbers shall have been deposited in the Legislative Library, but on condition that no further subscription be made for the said work; for the Marine School of Charleston, six thousand dollars, to be paid to the Charleston Port Society, as directed by the report and resolution as adopted at the present ses-

A. D. 1861.

sion; for payment of the interest on the bonds issued to the Blue Ridge Railroad, under an Act entitled "An Act to grant aid to the Blue Ridge Railroad," ratified on the twenty-second day of December, eighteen hundred and fifty-nine, for the year eighteen hundred and sixty, eighteen thousand six hundred dollars, to be paid at the Treasury of the Lower Division; and it is further enacted that the interest on the said bonds shall hereafter be paid semi-annually, on the first days of January and July in each year, at the Treasury of the Lower Division; to defray the expenses of such Commissioners and Envoys as may become necessary in the present situation of affairs, and for secret service money, twenty-eight thousand dollars, to be subject to the draft of His Excellency the Governor, countersigned by the member of the Executive Council charged with the Treasury Department; to defray the expenses of the Convention of the People of South Carolina, twenty thousand dollars, if so much be necessary, to be paid upon the draft of the President of said Convention; to defray the expenses of the Executive Council, one thousand dollars, if so much be necessary, to be paid upon the draft of His Excellency the Governor; to defray the expenses of the Clerks of the Executive Council, one thousand dollars, if so much be necessary, to be subject to the draft of the member of said Council charged with the Treasury Department; for deepening or otherwise improving the Maffit Channel, thirty thousand dollars, to be drawn by and expended under the direction of the following commission, to wit: George A. Trenholm, Henry Gourdin, George N. Reynolds, Jr., Wilmot G. DeSaussure, F. J. Porcher, H. E. Vincent and the Mayor of Charleston, *ex officio*: *Provided*, That work shall not be resumed until Fort Sumter shall pass into the possession of the authorities of the State, and all the troops of the United States shall be removed from the harbor of Charleston; ten thousand dollars for completing the buildings of the Lunatic Asylum, to be drawn and expended by and under the direction of the Regents of such institution, and to be accounted for by them to the Legislature at its next session; that in case it should become necessary to make arrangements for the carriage and delivery of the mails of this State, the Governor is authorized to make all requisite contracts and regulations, and to defray the expenses of all such contracts and arrangements the sum of fifty thousand dollars is hereby appropriated, subject to the draft of the Governor, with the countersign of the member of the Executive Council charged with the Postal Department; and in order to raise the said sum of money the President and Directors of the Bank of the State are authorized to issue additional certificates of stock or bonds in the manner directed by the Act to raise supplies for the year commencing in October, eighteen hundred and sixty; to Theodore Stark, Keeper of the State House, for the present session, the same pay and mileage as is allowed to members of the Legislature, and that the President of the Senate do draw his warrant for the same.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

AN ACT TO PROVIDE AN ARMED MILITARY FORCE.

No. 4498.

Governor, to
 repel armed
 force, to call
 out militia.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever it shall appear that an armed force is about to be employed against the State, or in opposition to its authority, the Governor be, and he is hereby, authorized to repel the same; and for that purpose to call into the service of the State, from time to time, such portion of the militia as he may deem necessary and proper, and to organize the same on the following plan:

Infantry com-
 panies, number
 of.

II. That immediately after passing this Act the Governor shall be authorized and required to call for one volunteer company of infantry from each infantry battalion, and to receive two rifle companies from each infantry brigade in the State, to consist of one Captain, one First Lieutenant, one Second Lieutenant, one Third Lieutenant, five Sergeants, six Corporals, and not less than sixty nor more than eighty-five privates, and such company shall have preference in the order of acceptance by the Governor over other companies subsequently raised from such battalions, or from the State at large. That every existing volunteer company, troop or squadron, battalion or regiment, composed of volunteer corps, which shall offer their services as a whole, may be so received, and permitted to retain their officers: *Provided*, They tender their services with the requisite number of officers, non-commissioned officers and privates. And if any battalion of infantry shall neglect, refuse or fail, for want of numbers, for thirty days after the issue of the call of the Governor for the purpose aforesaid, to report to him the organization of such volunteer company or companies, with their complement of officers, non-commissioned officers and privates, ready for service, then the Governor is hereby authorized and required to fill such vacancies, by receiving volunteers from the nearest battalion or battalions to the one so failing; and to order a draft from such battalions as refuse or neglect to tender the requisite number of officers, non-commissioned officers, and sixty privates.

Failure to an-
 swer call, how
 remedied.

Cavalry com-
 panies, number
 of.

III. That in addition to the above, the Governor is hereby authorized to receive as volunteers one or more companies of cavalry from each cavalry regiment of the State. Each company to consist of one Captain, First and Second Lieutenants, one Cornet, four Sergeants, four Corporals, one Saddler, one Farrier, one Trumpeter, and not less than thirty-two nor more than sixty privates, and organize the same into not more than four squadrons, and two regiments, with the proper field and staff officers, as now provided by law; and to arm and equip the same for active service.

Artillery com-
 panies, number
 of.

IV. The Governor is also hereby authorized to accept the services of one regiment of artillery from the city of Charleston, one company of artillery from the city of Columbia, one company of artillery from Georgetown, one company of artillery from the town of Beaufort, and to arm and equip the same for active service; and each company of artillery shall consist of one Captain, four Lieutenants, two Staff Sergeants, six Sergeants, twelve Corporals, six Artificers, two Buglers, and not less than fifty-eight nor more than one hundred and twenty-two privates.

V. That each company of volunteers under this Act, when

formed, and before tendering their services, may elect or appoint their own company officers; but no election shall take place in any company while in active service, except in cases of vacancy in the offices of Ensign or Cornet, or Fourth Lieutenant of Artillery, which shall be filled by an election: *Provided*, That such election shall be ordered forthwith by the superior officer in command of the company, battalion or regiment in which such vacancy shall occur, and the election shall be held within twenty-four hours after such order has been issued; and in all other cases of vacancy the same shall be filled by promotion of those next in grade thereto in their respective companies.

A. D. 1861.

Company officers, how chosen.

VI. That the Governor is hereby authorized and empowered to order into active service any part or all of the military force embraced under this Act, whenever, and at whatsoever places, he may deem the safety of the State requires: *Provided*, That such military forces shall not be compelled to remain in active service for a longer period than twelve months. And the Governor is hereby authorized to call, previous to the expiration of said term of service of the troops in the field, for further volunteer forces, to supply their places, should the same be deemed necessary for the safety of the State.

May order out force embraced in Act.

Period of service.

VII. That the Governor is hereby authorized and directed to organize forthwith the new companies herein provided for, and the existing volunteer organizations of the State who tender their services, into appropriate battalions, squadrons, regiments, brigades and a division; that the said military division shall be officered by one Major General, to be appointed by the Governor, by and with the advice and consent of the Senate, and to be commissioned by the Governor, and in case the Senate shall not be in session, the nominee of the Governor shall be commissioned by him, and hold the office until the close of the next session of the Legislature after such appointment; and that said Major General shall have power to appoint the following staff officers, that is to say: One Deputy Adjutant General, with the rank of Colonel; one Division Inspector General, one Division Quartermaster General, one Division Commissary General, one Division Paymaster General, one Division Surgeon General, each with the rank of Lieutenant Colonel, and three Aids-de-Camp, with the rank of Major; said staff officers to be commissioned by the Governor.

Companies, how to be organized, and officers commissioned.

VIII. That each brigade shall be officered by one Brigadier General, to be appointed by the Governor, by and with the advice and consent of the Senate, to be commissioned by the Governor, and in case the Senate is not in session at the time of the appointment, the nominee of the Governor shall be commissioned by him, and hold the office until the close of the next session of the Legislature after such appointment; and that the said Brigadier General shall have power to appoint the following staff officers, that is to say: One Brigade Major, one Brigade Inspector, one Brigade Commissary, one Brigade Quartermaster, one Brigade Surgeon, each with the rank of Major; and two Aids-de-Camp, with the rank of Captain; said staff officers to be commissioned by the Governor.

Brigadier General, Governor to appoint.

Brigadier to appoint his staff.

IX. That each Regiment shall be officered by one Colonel, one Lieutenant Colonel and one Major, to be elected by the officers and

Regimental officers, how elected.

A. D. 1861.

Colonel to ap-
point his staff.Vacancies,
how filled.Whole force
one division.Regimental
officers, how
chosen.Additional
troops, how
distributed.Officers of
cavalry, how
elected.

privates of the said regiment, within ten days after the companies composing said regiment shall have been accepted, the election of said officers to be ordered by the Governor, and the commissions therefor to be signed and issued by him; and the Colonel of the said regiment shall have power to appoint the following staff officers, that is to say: One Adjutant, one Quartermaster, one Commissary, and one Surgeon, each with the rank of Captain; one Assistant Surgeon and one Chaplain, each with the rank of First Lieutenant; one Sergeant Major, one Quartermaster Sergeant, one Drum Major and ten Musicians; said commissioned officers to be commissioned by the Governor: *Provided*, That nothing herein contained shall apply to any vacancy occurring in the General office of any brigade, or in the field offices of any regiment, whilst such brigade or regiment is in actual service, which said vacancy so occurring in actual service, whether by casualty or otherwise, shall be filled by promotion in regular grade, and not by election.

X. That the troops or forces authorized to be raised under the provisions of this Act, shall constitute one division, and said division shall consist of not less than two nor more than four brigades of infantry, and each infantry brigade shall consist of not less than two nor more than four regiments, and the artillery and rifle companies shall be attached to such infantry regiments or brigades as the officer in command of the troops called into active service may from time to time designate.

XI. That when eight companies of infantry, and the rifle companies thereto attached in any infantry brigade shall have been accepted, the Governor shall organize the same into a regiment, and shall authorize the said companies to meet in their respective rendezvous on a given day, and there ballot for Colonel, Lieutenant Colonel and Major, and the result of the balloting in each company shall be transmitted by the Captain thereof to the Governor, who shall declare the election, and commission said officers. That when two regiments are organized, the Governor shall appoint, as hereinbefore provided, a Brigadier General to command said brigade; and when additional regiments, as hereinbefore provided, shall have been organized, the Governor shall form them into brigades, and appoint Brigadier Generals to command the additional brigades, and shall also appoint, as hereinbefore provided, a Major General to command the division; and when additional troops are called into active service, they shall be distributed into the brigades already formed, in such manner as the good of the service may require, and as may be deemed expedient by the Major General commanding the division: *Provided*, That such additional troops shall not be other than those contemplated to be raised under the second, third and fourth Sections of this Act: *And provided, further*, That whenever four companies of cavalry shall be accepted, the Governor shall order an election for a Major to command the battalion, and when eight companies shall have been accepted, the Governor shall order an election for an additional Major, and for a Colonel to command said regiment, and when two regiments shall have been organized, the Governor shall appoint, as hereinbefore provided, a Brigadier General to command the brigade of cavalry.

XII. That the officers of the division, brigades, regiments, battalions or companies of equal grade and date of commission, shall determine their rank by lot.

A. D. 1861.

Officers, rank of, decided by lot.

XIII. That the companies herein authorized to be organized shall be fully armed and equipped when mustered into service.

XIV. That the law now of force prohibiting the reduction of beat companies below the number of fifty men, be, and the same is hereby, suspended: *Provided*, Such reduction is occasioned by the reception of volunteers into the service of the State, and that this Act shall continue in force two years from the passing thereof.

Beat companies, law against reduction of, suspended.

Limitation of Act.

XV. That the Army Regulations, approved works on Courts Martial, and books of instruction for the different arms of service now in use in the United States Army, shall be used by the troops raised under this Act, and the same system of drill and discipline shall be enforced; and the Governor is hereby authorized and required to obtain, at the expense of the State, a sufficient number of copies of the Army Regulations, approved works on Courts Martial, and said books of instruction, for the purposes indicated.

Regulations and Tactics, prescribed.

XVI. That the following pay and rations shall be allowed to the commissioned, non-commissioned officers, privates and musicians, while in the active service of the State: *For the Infantry Service*—To Major General, two hundred dollars per month, and seven rations per day; to Brigadier General, one hundred and sixty-five dollars per month, and six rations per day; to Colonel, one hundred and twenty-five dollars per month, and five rations per day; to Lieutenant Colonel, one hundred dollars per month, and four rations per day; to Major, eighty-five dollars per month, and three rations per day; to Captain, sixty dollars per month, and two rations per day; to First Lieutenant, forty dollars per month, and two rations per day; to Second Lieutenant, thirty dollars per month, and two rations per day; to Third Lieutenant, thirty dollars per month, and two rations per day; to Fourth Lieutenant of Artillery, thirty dollars per month, and two rations per day; to Sergeant Major, twenty-five dollars per month, and one ration per day; to Quartermaster Sergeant, twenty-five dollars per month, and one ration per day; to Drum Major, twenty dollars per month, and one ration per day; to First Sergeant, twenty dollars per month, and one ration per day; to Second Sergeant, fifteen dollars per month, and one ration per day; to third Sergeant, fifteen dollars per month, and one ration per day; to Fourth Sergeant, fifteen dollars per month, and one ration per day; to Fifth Sergeant, fifteen dollars per month, and one ration per day; to Sixth Sergeant, fifteen dollars per month, and one ration per day; the Corporals, twelve dollars per month, and one ration per day; Privates, ten dollars per month, and one ration per day; Musicians, ten dollars per month, and one ration per day. *For the Cavalry Service*—Each officer, non-commissioned officer, private and musician shall be allowed the same pay and rations as are allowed in the Infantry service, with the addition of forage for each horse employed in the said service. *For the Artillery Service*—Each officer, non-commissioned officer, private and musician shall be allowed

Officers and privates, pay of.

Infantry.

Cavalry.

Artillery.

A. D. 1861.
 Clothing and commutation.
 the same pay and rations as are allowed in the Infantry service, with the addition of forage for each horse employed in the said service. Each Sergeant, Corporal, Private and Musician who shall be mustered into the service of the State, shall be allowed two suits of clothes, two caps and two pairs of shoes, in addition to the pay and rations hereinbefore allowed. The commutation value of each ration shall be thirty cents; the commutation value of forage for each horse enrolled shall be eight dollars per month; the commutation value of clothing for each soldier per year shall be fifteen dollars.

Discipline, same as army of the United States.
 XVII. That the troops of this State, when in active service, shall, in every respect, be subject to the discipline as specified in an Act for establishing rules and articles for the government of the army of the United States, approved April the tenth, in the year of our Lord one thousand eight hundred and six.

Officers and privates exempt from road duty and arrest.
 XVIII. That the commissioned, non-commissioned officers, privates and musicians of every volunteer company, troop, battalion, squadron or regiment, which may be raised and mustered into service under this military organization, shall not be called upon during said service as volunteers to perform any military or road duty, nor shall be subject to arrest for any debt, contract or obligation, after being mustered into service, and for ten days after being discharged from said service; but shall be liable to perform, in their respective corps, all the duties now required, or which may hereafter be required by the Commander-in-Chief, or officers in command of said volunteer corps, as are hereinbefore prescribed.

Repugnant Acts repealed.
 XIX. That all Acts and parts of Acts repugnant to this Act be, and the same are hereby, suspended, so long as this Act shall remain in force.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and in the eighty-fifth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4499. AN ACT CREATING A MILITARY ESTABLISHMENT FOR THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES.

Regular military force ordained.
 I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be raised, equipped, disciplined and maintained, for the regular military service of South Carolina, the officers and soldiers of different arms of the service, as hereinafter provided.

Brigadier and staff.
 II. That there shall be one Brigadier General, and the General Staff shall consist of the following: One Adjutant General, one Quartermaster, one Paymaster and one Commissary, which staff officers shall be chiefs of their respective Bureaus for the regular

service, and shall have the rank and compensation of Majors. And the Brigadier General shall have the authority to select one Aide-Camp from the Lieutenants of the corps of the line hereinafter named.

A. D. 1861.

III. That there shall be one battalion of artillery, which shall consist of one Lieutenant Colonel, one Battalion Adjutant, one Battalion Quartermaster, one Sergeant Major and one Quartermaster Sergeant, and not less than four or more than six companies; and each company shall consist of one Captain, two First Lieutenants and one Second Lieutenant, four Sergeants, four Corporals, two artificers, two musicians, and not less than sixty nor more than one hundred privates, and one company of artillery may be equipped as a harnessed battery of light or flying artillery.

Artillery, one
battalion of,
and officers.

IV. That there shall be one regiment of infantry, which shall consist of one Colonel, one Lieutenant Colonel, one Major, one Regimental Adjutant, one Regimental Quartermaster, one Sergeant Major and one Quartermaster Sergeant, and of not less than eight nor more than sixteen companies: and each company shall consist of one Captain, one First Lieutenant, and one Second Lieutenant, four Sergeants, four Corporals, two artificers, two musicians, and not less than fifty or more than eighty privates.

Infantry, one
regiment of,
and officers.

V. That there may be one squadron of cavalry, which, if organized, shall consist of one Major, one Adjutant and one Quartermaster, one Sergeant-Major and one Quartermaster-Sergeant, and two companies; and each company shall consist of one Captain, one First Lieutenant, and one Second Lieutenant, four Sergeants, four Corporals, two Musicians, two Farriers, two Artificers, and not less than forty nor more than sixty privates.

Cavalry, squad-
ron of, if or-
ganized, its
officers.

VI. That the regimental, battalion and squadron Adjutants and Quartermasters shall be First Lieutenants in their respective corps, and receive pay and compensation as such, as hereinafter provided. And upon detachments or special service, when regularly appointed officers of the Quartermaster's or Commissary departments are not present, the commanding officer for the time being shall detail officers to perform the duties of such departments.

Adjutants and
Quartermas-
ters, rank of.

VII. That the medical staff shall consist of one Surgeon, with the rank of Major, who shall be medical director, four assistant surgeons, with the rank of Captains, and not more than eight junior assistant surgeons, with the rank of First Lieutenants.

Surgeons and
assistants, rank
of.

VIII. That all officers and soldiers named in this Act shall receive the same pay and allowances as have been given to officers and soldiers of the army of the late United States, and as defined in the general regulations for said army, published in the year of our Lord one thousand eight hundred and fifty-seven.

Officers and
soldiers, pay of.

IX. That all the officers created by the provisions of this Act shall be appointed by the Governor, by and with the advice and consent of the Senate, but should vacancies occur, or remain unfilled during the recess of the Legislature, the Governor shall have power to fill the vacancy, by commission, to extend until the close of the next session of the Legislature.

Officers, how
appointed.

X. That all officers created by the provisions of this Act shall hold their commissions during good behaviour and the pleasure of the Governor of South Carolina for the time being, and all non-

Officers, terms
of.

A. D. 1861.
 Privates, en-
 listment of,
 three years.
 commissioned officers and privates shall be enlisted to serve for a period of three years, unless sooner discharged: *Provided*, That nothing in this Act shall be construed as making provision for the maintenance of a military force of any kind, commissioned or non-commissioned, for a longer period than shall be provided for by the Legislature in its annual appropriations.

Increase by
 Governor.
 XI. That the increase of strength from the minimum to the maximum, as provided for companies and corps, shall be made by direction of the Governor, according to the exigencies of the service.

Disbursing
 officers to give
 bond.
 XII. That all officers created by the provisions of this Act, who shall be charged with the disbursement of public money, or the safe keeping or charge of public property, shall give bonds for the faithful discharge of their duty, in sums as prescribed by the laws and regulations for the army of the late United States, according to their respective ranks and positions, and such duties shall be performed according to such regulations, with such modifications as may be ordered by the Commander-in-Chief, to adapt them to the service of the State of South Carolina.

Previous ap-
 pointments
 and enlist-
 ments le-
 galized.
 XIII. That the officers and soldiers which have been appointed and enlisted under the provisions of resolutions and Acts already in force, shall be considered as part of the force authorized and organized by this Act, the provisions of their enlistment for the term of one year only being valid in such cases, notwithstanding the provisions hereinbefore expressed.

Army Regu-
 lations.
 XIV. That the rules and articles by which the army of the United States is now governed, and the regulations of the said army, now of force, shall be the rules and articles and regulations for the army of the State of South Carolina, with such modifications as may be necessary to adapt the same to the service of this State.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4500. AN ACT TO ESTABLISH A BOARD OF ORDNANCE AND AN ORDNANCE BUREAU, AND FOR OTHER PURPOSES.

Board of Ord-
 nance, to esta-
 blish a.
 Governor,
 President of.
 Duties of.
 I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a Board of Ordnance be, and is hereby, established, to consist of the Governor of this State, the Adjutant and Inspector-General, the Ordnance officer, hereinafter provided, and three other persons, to be appointed by the Governor, and that the Governor be, *ex-officio*, President of said Board, any four of whom shall constitute a quorum. And it shall be the duty of the said Board to examine the condition of all ordnance, small arms, ordnance stores,

A. D. 1861.

ammunition, gun carriages, and other equipments, shot, shell, and so forth, belonging to the State; and for this purpose they shall have power to call upon all other officers of the State, who have such matters in charge, for reports on the condition, location, and so forth, of such articles, and the said Board shall have access to the arsenals, magazines, and other depots of the State, at such times as they shall deem proper.



II. That the said Board shall take the proper means and make appropriate arrangements for the preservation and safe keeping of the artillery, small arms, equipments and munitions of war, and so forth, of the State, and for the storage and other disposal of them; and for this purpose may employ corps of guards for the arsenals and magazines and armories, to keep in good order such ordnance, arms, and so forth. To defray this expenditure the sum of ten thousand dollars shall be annually added to the military contingent fund, and be disbursed under the supervision of the Governor.

Arms, care of.

III. That the said Board shall disburse the funds which may be provided or appropriated by the Legislature at this term, or from time to time for the purpose, and placed at the disposal of the Board, in the purchase of such improved fire-arms, ordnance and munitions or war as may be deemed expedient by them; and the said purchases shall be under the direction and control of the said Board.

Funds, how disbursed by.

IV. That the small fire-arms purchased and provided under this Act shall not be given out to the ordinary militia or to the volunteer organizations of the State, except when drafted, ordered out or enrolled for a term of actual service, or for special duty; at the end of which time they shall be returned to the dispensing officer, and restored to their appropriate arsenals. The Board of Ordnance shall provide the proper regulation to this end.

Arms, restriction on distribution.

V. That the other persons who are to be members of the said Board of Ordnance, as hereinbefore provided, or a majority of them, shall be authorized to engage a fit and competent Ordnance officer, who shall be, *ex officio*, a member of said Board, and who shall open an Ordnance Bureau, inspect all arms and ordnance purchased by the direction of the Board, organize an Ordnance Department, and perform all such other duties as may be designated by the said Board; and the said officer shall have the rank of a Colonel of Artillery, shall be commissioned by the Governor as such, shall be subject as such to be tried, reprimanded, fined or cashiered by court martial for delinquencies of duty in the same manner as other officers of his grade, and shall receive a salary at the rate of three thousand dollars per annum. He may employ a clerk (subject to removal by him for inefficiency or bad conduct) at a salary not exceeding one thousand dollars per annum.

Ordnance officer engaged by.

VI. That the said Board shall make to the Legislature, at each session, a report of their proceedings, in either a public or private communication, as may seem to them most expedient for the public service.

Report to Legislature.

VII. That the said Board be, and are hereby, authorized to employ a scientific and competent Military Engineer, who shall, as soon as possible, make an examination of the coast of the State, with a view to the defence of the same, and make a report or re-

Military Engineer to be employed by—his duty.

A. D. 1861.

ports to the said Board as to the points which may need defense, with plans for the same.

VIII. That this Act shall continue in force for two years from the day of its ratification.

In the Senate House, the thirteenth day of November, in the year of our Lord one thousand eight hundred and sixty, and in the eighty-fifth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4501. AN ACT TO PRESCRIBE THE FORM OF PERMITS FOR SLAVES TO BE ABSENT FROM THE OWNER'S PREMISES.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no permit shall be considered as authorizing the absence of a slave from his or her master's premises unless said permit shall designate the place or places which said slave is allowed to visit, and the time during which he or she is permitted to be absent: *Provided*, That this Act shall not apply to slaves resident in any incorporated city or town, while within the corporate limits of the same, during the hours when the municipal regulations do not forbid the free passage of slaves.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4502. AN ACT TO PROVIDE FOR THE CALLING OF A CONVENTION OF THE PEOPLE OF THIS STATE.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a convention of the people of the State of South Carolina is hereby ordained to be assembled in the city of Columbia, on Monday, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, for the purpose of taking into consideration the dangers incident to the position of the State in the Federal Union established by the Constitution of the United States, and the measures which may be necessary and proper for providing against the same, and thereupon to take care that the commonwealth of South Carolina shall suffer no detriment.

II. That on the sixth day of December, in the year of our Lord one thousand eight hundred and sixty, the Managers of Elections for the several Districts in the State shall, after giving public notice as in cases of elections for members of the Legislature, open the polls and hold elections, in their respective Districts, for delegates to the said convention, in all respects in the same manner and form, and at the same places, as elections are now conducted for members of the Legislature. And all persons who are qualified and entitled by the Constitution and laws of this State to vote for members of the Legislature, shall be qualified and entitled to vote for said delegates to said convention; and in case of any vacancy occurring by death, resignation or removal from the State, or refusal to serve, of any person elected a delegate to the said convention, the presiding officer of the said convention shall issue his writ, authorizing and requiring the Managers of Elections in the Election District in which such vacancy may have occurred, after giving due notice thereof, to open a poll and hold an election to fill such vacancy, as in cases for the election of members of the Legislature. That the Managers in the several election Districts and Parishes shall meet on Friday, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty, count the votes and declare the election.

A. D. 1861.

Elections for.

Voters, qualification of.

Vacancies, how filled.

Votes, when counted.

Delegates, number of.

III. That each election District throughout the State shall be entitled to elect and send to the said convention a number of delegates equal to the whole number of Senators and Representatives which such District is now entitled to send to the Legislature, and the delegates to the said convention shall be entitled to the same freedom of arrest in going to, returning from, and whilst in attendance on said convention, as is extended to the members of the Legislature.

IV. That all free white male citizens of this State of the age of twenty-one years and upwards, and who are entitled to vote for members of the State Legislature, shall be eligible to a seat in the said convention.

In the Senate House, the thirteenth day of November, in the year of our Lord one thousand eight hundred and sixty, and in the eighty-fifth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO POSTPONE THE OPERATION OF THE THIRD SECTION OF AN ACT ENTITLED "AN ACT FOR THE SUSPENSION OF CERTAIN SECTIONS OF CERTAIN ACTS, AND FOR OTHER PURPOSES," RATIFIED ON THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR EIGHTEEN HUNDRED AND FIFTY-SEVEN, AND FOR OTHER PURPOSES. No. 4503.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1861.

Acts, suspen-
sion of Sections
of, relating to
banks.

same, That the operation of the third Section of an Act entitled "An Act for the suspension of certain Sections of certain Acts, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-seven, as amended by the sixth Section of an Act entitled "An Act to regulate the mode of electing Directors of the Bank of the State of South Carolina, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-eight, be, and the same is hereby, postponed until the first day of January, in the year of our Lord one thousand eight hundred and sixty-two.

II. That the second Section of an Act entitled "An Act to provide against the suspension of specie payments by the banks of this State," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, be, and the same is hereby, suspended until the first day of January, which will be in the year one thousand eight hundred and sixty-two.

III. That the fifth Section of an Act entitled "An Act to re-charter the Planters' and Mechanics' Bank of South Carolina, the Union Bank of South Carolina, the Commercial Bank of Columbia, South Carolina, and to incorporate the Exchange Bank of Columbia, the Farmers' and Exchange Bank, and the People's Bank of Charleston, the Bank of Newberry, the Bank of Chester, the Bank of Sumterville, the Planters' Bank of Fairfield, and the Western Bank of South Carolina, at Anderson," passed the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and all Sections of other Acts containing the like provisions, be, and the same are hereby, suspended until the first day of January, which will be in the year of our Lord one thousand eight hundred and sixty-two.

In the Senate House, the thirteenth day of November, in the year of our Lord one thousand eight hundred and sixty, and in the eighty-fifth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4504. AN ACT TO REPEAL THE SEVENTH SECTION OF AN ACT ENTITLED "AN ACT FOR THE MORE EFFECTUAL RELIEF OF INSOLVENT DEBTORS, AND FOR OTHER PURPOSES," PASSED THE SEVENTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND FIFTY-NINE.

Insolvent debtors, Act repealing 7th Section A. A. April 7, 1759.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the seventh Section of an Act entitled "An Act for the more effectual relief of insolvent debtors, and for other purposes," passed the seventh day of April, one thousand seven hundred and fifty-nine, which provides: "In case any debtor, at any time before his or her being taken into custody, shall have made

A. D. 1861.

any conveyance, bill of sale or assignment of any lands, tenements, goods or chattels whatsoever, to any person or persons whomsoever, all and every such person and persons to such mortgage, bill of sale, assignment, or other conveyance that is or shall be made as aforesaid, or if his or their attorney, agent, executor or administrators shall not appear before the said court at the time hereinafore appointed for the appearance of the creditors of such insolvent debtor, nor, in case of their or either of their sickness, or other lawful impediment, shall transmit such affidavit and attested account as is hereby directed, and then and there make oath that such mortgage, bill of sale, assignment or other conveyance was made to the best of their knowledge and belief, for a valuable consideration actually paid, or that such judgment was for a debt *bona fide* due, then every such person or persons, his, her or their attorneys, agents, executors or administrators, shall be deemed to have taken and accepted from the said petitioner a false and feigned trust, with intent to defraud the creditors of the said petitioner, and to conceal his estate and effects from them, and every such mortgage, bill of sale, judgment, assignment or other conveyance shall be, and is hereby, declared to be null and void, to all intents and purposes, and the lands, tenements, goods and chattels thereby conveyed, and money paid upon such judgment, shall be vested in the said Trustees in like manner and for the like purposes as all the other estate and effects of the said petitioner are hereby directed to be vested," be, and the same is, henceforth forever repealed.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE LAW IN RELATION TO HOUSE BURNING. No. 4505.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the wilful and malicious setting fire to or burning any house, of whatever name or kind, within the curtilage or common inclosure of a dwelling house, or within the curtilage or common inclosure of any house or room wherein persons habitually sleep, whereby any such dwelling house or sleeping apartment shall be endangered; also, the wilful and malicious setting fire to or burning any court house or other public building, whether owned by the State or a corporation, or a building owned by an individual or individuals, and kept or let for public meetings or exhibitions, barn, stable, coach house, gin house, store house, ware house, grist or saw mill, railroad depot, coach or cotton factory, or other house used for manufacturing purposes of whatever name or kind, or setting fire to or burning any house habitually used for public religious

Arson, the malicious setting fire to or burning any house.

A. D. 1861.

worship, shall be deemed arson, whether such setting fire to or burning be in the day or night time; and the person setting fire to or burning any such house, as aforesaid, and his or her aiders, abettors and accessories before the fact, shall, upon conviction, suffer death without benefit of clergy.

In the Senate House, the twenty-eighth day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4506. AN ACT TO PROVIDE FOR THE PROPER ADMINISTRATION OF THE ADMIRALTY AND MARITIME LAW IN THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the judicial power heretofore delegated by this State, so as to form a part of the judicial power of the United States, and which has reverted to this State, shall be exercised by the courts now established in this State.

Admiralty
jurisdiction
resumed by State

Jurisdiction
of City Court,
Charleston,
with appeal.

Jurisdiction
of Courts of
Equity and
Common Pleas.

II. The City Court of Charleston shall have exclusive original jurisdiction in civil causes of admiralty and maritime jurisdiction, the right of appeal to the Court of Appeals being preserved where the amount involved exceeds one thousand dollars. And the Court of Equity and Court of General Sessions and Common Pleas of this State shall have jurisdiction in all other causes contemplated in the first Section of this Act.

Officers, Courts
to appoint.

Laws of the
United States
declared of
force.

III. The City Court of Charleston, and each of the other courts aforesaid, shall have power to appoint such officers under it as may be necessary in exercising the judicial power hereby conferred. And the laws of the United States, which were in operation at the time of the secession of this State, concerning offenses committed on the high seas, offenses connected with the post office department, the public customs, or seamen, and an Act of the Congress of the United States, entitled "An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March the third, eighteen hundred and twenty-five, shall be considered as laws of this State until they may be altered or repealed.

Trials, with
and without
juries.

IV. In causes which, under the laws aforesaid, have been heretofore tried by a jury, the trial shall be by jury, according to the mode of jury trial which is of force in this State, and in all civil causes of admiralty and maritime jurisdiction, in which the trial by jury has not been used, the form and mode of proceeding shall be such as have heretofore been in use in the courts which within this State have heretofore had cognizance of such causes.

City Court,
powers grant-
ed to.

V. The City Court of Charleston is vested with all the powers and authority necessary and proper to enable it to exercise the juris-

diction hereinbefore conferred upon it in civil causes of admiralty and maritime jurisdiction, and the said court shall have jurisdiction of all proceedings whatsoever, incident thereto, or following therefrom. And the final process in the said causes of admiralty and maritime jurisdiction, issuing under the proceedings incident thereto, or following therefrom, shall have the same force and validity throughout the State as executions issued out of the Courts of General Sessions and Common Pleas.

VI. All causes, both of a civil and criminal character, now pending in the courts heretofore known as the District and Circuit Courts of the United States for the District of South Carolina, may, at the instance of the actors in the same, be transferred to the several courts which, under the provisions of this Act, are invested with jurisdiction over them, in the state of pleading in which the same shall be at the time of the ratification of this Act; that is to say: causes on the Equity side of the Circuit Court of the United States to the Court of Equity, civil causes on the law side of the said Circuit Court, and civil causes in the District Court of the United States, to the Court of Common Pleas, and causes for criminal offences to the Court of General Sessions. That in all such cases in the said District and Circuit Courts in this State, in which an appeal had or might have been taken to the Supreme Court of the United States at Washington, by writ of error or otherwise, it shall be lawful for the plaintiff or other party prosecuting such appeal, or having a right to the same, instead thereof, to have an appeal to the Court of Appeals of this State, according to such rules and regulations as the Court of Appeals may make for that purpose; and the said court is hereby authorized and requested to make all rules and regulations as may be necessary and proper to carry out this provision: *Provided*, That motion for an appeal in all such cases shall be made in the Court of Appeals before the same shall have been decided by the Supreme Court of the United States at Washington. And all records now in the office of the officer heretofore known as the Clerk of the said District and Circuit Courts of the United States for the District of South Carolina, and all process now in the office of the officer heretofore known as the Marshal of the United States for the District of South Carolina, and all bail bonds, prison bounds bonds, and bonds for the delivery of property, taken in the said District and Circuit Courts of the United States, shall be transferred to the several courts, respectively, to which the same appropriately belong, according to the provisions of this Act, and be subject to the safe keeping, control and direction of the same, and the said records, process and bonds shall retain the same force, validity and effect which they had at the date of the Ordinance of Secession, passed by the Convention of this State: *Provided*, That all causes now pending in the said court, heretofore known as the District Court of the United States for the District of South Carolina, connected with the admiralty and maritime jurisdiction, or with process issued under decrees heretofore rendered in the said District Court of the United States in the admiralty and maritime jurisdiction, shall be transferred to the City Court of Charleston, which is hereinbefore vested with jurisdiction as to the same.

VII. That as a compensation for the services hereby required,

A. D. 1861.

Causes pending, transfers of.

Appeals.

Appeal, limitation upon.

Records, &c., transfer of.

A. D. 1861.
 City Judge,
 compensation
 to.

and duties imposed upon the Judge of the City Court, he shall be paid a salary at the rate of one thousand dollars per annum, until this Act shall be altered or repealed, payable in the same manner as the salaries of the other Judges now are.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4507.

AN ACT TO INCORPORATE THE "CALHOUN GUARDS."

Calhoun
 Guards, incor-
 poration of.

Chartered
 privileges.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the volunteer company of light infantry attached to the twenty sixth regiment of South Carolina militia, known as the "Calhoun Guards," be, and the same is hereby, declared a body politic and corporate, by the name of the "Calhoun Guards."

II. That the said company shall have succession of officers and members, and shall have power and authority to adopt a constitution and to make rules and by-laws, not repugnant to the laws of the land; to have and use a common seal; to sue and be sued; plead and be impleaded, by their corporate title, in any court of law or equity in this State, and to have and enjoy all and every right and privilege incident and belonging to incorporated bodies.

III. That the said company shall have power to hold Company Courts Martial, to be composed of commissioned officers of the said company, for the trial of all violations of the constitution or by-laws of the company, and to enforce the collection of fines imposed by such courts martial; and it shall be the duty of the Sheriff of Chester District to enforce all such process issuing from the courts martial of said company, and to make return thereof to the Clerk and Treasurer of said company, within three months after the same may have been lodged, under penalty of fifty dollars for each and every failure so to do.

IV. That the said company shall be subject to all laws and regulations now of force, or which shall hereafter be made of force, touching the military organization of the State, except as they are herein modified or changed.

V. That this Act shall continue and be of force for the period of fourteen years.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE FORMATION OF A NEW VOLUNTEER COMPANY, TO BE CALLED THE "ST. PAUL'S RIFLES."

A. D. 1861.

No. 4508.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General of the State of South Carolina be, and he is hereby, empowered to inspect and receive into the Thirteenth Regiment of Infantry, South Carolina Militia, a new volunteer company of light infantry, to be styled the "St. Paul's Rifles," any law to the contrary hereof notwithstanding.

Adjutant General, inspected and received by.

II. That the said company shall be attached to the Lower Battalion of the Thirteenth Regiment, South Carolina Militia; shall be subject to all laws and regulations governing the said regiment, and shall conform to all the requisitions of the laws of this State relating to volunteer companies, except as they are herein modified and changed.

Attached to lower battalion

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE FORMATION OF A NEW VOLUNTEER COMPANY OF INFANTRY WITHIN THE LIMITS OF THE FIFTEENTH REGIMENT OF SOUTH CAROLINA MILITIA, TO BE CALLED THE "LEXINGTON VOLUNTEER RIFLE COMPANY," AND TO INCORPORATE THE SAME, AND TO AUTHORIZE THE FORMATION OF CERTAIN OTHER NEW VOLUNTEER COMPANIES, AND FOR OTHER PURPOSES.

No. 4509.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and is hereby, authorized and empowered to inspect and to receive into the Fifteenth Regiment, South Carolina Militia, a new volunteer company of riflemen, at Lexington Village, to be called the "Lexington Volunteer Rifle Company," upon their conforming to the requisitions of the law in relation to the reception of new volunteer companies.

Adjutant General to receive Lexington Volunteer Rifle Company

II. That the said volunteer company, as soon as it shall have been received as above, be, and the same is hereby, declared to be a body corporate and politic, for the term of fourteen years from the passing of this Act, and to have such powers as are incident to, and subject to such liabilities as are now imposed by law upon like corporations.

Incorporation, term of.

III. That the Adjutant and Inspector General of the State of South Carolina be, and he is hereby, empowered to inspect and receive into the Upper Battalion of the Twenty-ninth Regiment of Infantry, South Carolina Militia, a new volunteer company of

Adjutant General to receive Hartsville Light Infantry.

A. D. 1861.

Officers and
men, number
of.

Light Infantry, to be styled the "Hartville Light Infantry," any law to the contrary hereof notwithstanding.

IV. That said company shall have attached to the same one Captain, four Lieutenants, four Sergeants, six Corporals and one Clerk, and shall not consist of more than eighty nor less than thirty men, including officers, non-commissioned officers and privates, any law to the contrary hereof notwithstanding; and whenever it shall be reduced below the number of thirty men, above required, and shall not recruit to such number within six months after notice to its commander to fill up its ranks, it shall be disbanded, and the commissions of its officers vacated.

Incorporation,
term of.

V. That the said company, as soon as it shall have been received as herein provided for, be, and the same is hereby, declared a body politic and corporate, under the name and style of the "Hartville Light Infantry," for the term of fourteen years from the ratification of this Act, with all such powers as are incident to, and subject to, such liabilities as are now imposed by law upon like corporations.

Constitution
and By-Laws,
authority to
make.

VI. That the said company shall have power to adopt a constitution and by-laws, and enforce the same by all needful rules and regulations, hold Company Courts Martial, to be composed of the commissioned officers of the said company, for the trial of all offences created by such constitution and by-laws, and to collect, by process of execution, as now provided for by law, all fines and penalties which shall be imposed by such Company Courts Martial.

Laws and
requisitions,
company sub-
ject to.

VII. That said company shall be subject to all laws and requisitions of this State in relation to volunteer companies, and all other militia laws of force in this State, or hereafter to be made of force, except as hereinbefore provided for.

Rutledge
Mounted Rifle-
men, authority
to raise the.

VIII. That a company of mounted riflemen, to be called and known as the "Rutledge Mounted Riflemen," be, and the same is hereby, allowed and authorized to be raised in Charleston, and to be attached to such regiment, within the Fourth Brigade, as the Brigadier General of that Brigade may think proper; that the said corps shall consist of not less than thirty-two nor more than sixty-four, rank and file, with the full complement of officers, viz: one Captain, four Lieutenants, four Sergeants, six Corporals, one Saddler, one Farrier and two Musicians, and shall be armed and equipped as is usual for mounted riflemen; with leave, however, to make such alterations therein as said corps may suggest, and the said Brigadier General of the Fourth Brigade approve.

Members and
officers, num-
ber of.

Be it further enacted, by the authority aforesaid, That the Brigadier General of the Fourth Brigade be, and he is hereby, authorized and empowered to assign to the First Regiment of Artillery, one corps other than an artillery corps, as he shall in his discretion see fit.

Brigadier,
power of, to
assign a corps
to artillery.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER COMPANY OF RIFLEMEN WITHIN THE LIMITS OF THE SEVENTH REGIMENT SOUTH CAROLINA MILITIA, AND TO INCORPORATE THE SAME.

No. 4510.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General of the State of South Carolina be, and is hereby, empowered to inspect and receive into the Seventh Regiment of Infantry, South Carolina Militia, a new volunteer company of Riflemen, to be styled the "Edgefield Riflemen," any law to the contrary hereof notwithstanding.

Adjutant General, inspected and received by.

II. That said company shall have attached to the same one Captain, three Lieutenants, five Sergeants, four Corporals and one Secretary and Treasurer, and shall not consist of more than one hundred nor less than forty men, including officers, non-commissioned officers and privates, any law to the contrary hereof notwithstanding. And whenever it shall be reduced below the number of forty men, above required, and shall not recruit to such number within six months after notice to its commander to fill up its ranks, it shall be disbanded, and the commissions of its officers vacated.

Officers and members of.

III. That said company, as soon as it shall have been received, as herein provided for, be, and the same is hereby declared to be, a body politic and corporate, under the name and style of the "Edgefield Riflemen," for the term of fourteen years from the ratification of this Act, with all such powers as are incident to, and subject to such liabilities as are now imposed by law upon like corporations.

Body corporate for fourteen years.

IV. That the said company shall have the power to adopt a constitution and by-laws, and enforce the same by all needful rules and regulations, to hold company courts martial, to be appointed by the officer in command, for the trial of all offenses created by such constitution and by-laws, and to collect by process of execution, as now provided for by law, all fines and penalties which shall be imposed by such company courts martial.

May make rules, &c., and collect by execution.

V. That it shall be the duty of the Sheriff of Edgefield District to enforce all legal process issuing from the courts martial of said company, and make return thereof to the Secretary and Treasurer of said company, within three months after the same may have been lodged, under a penalty of fifty dollars for each and every failure so to do.

Sheriff to enforce process from.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

No. 4511.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CONVERT THE ARSENAL AT COLUMBIA, AND THE CITADEL AND MAGAZINE IN AND NEAR CHARLESTON, INTO MILITARY SCHOOLS."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to convert the Arsenal at Columbia, and the Citadel and Magazine in and near Charleston, into military schools," ratified the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-two, be so amended that the military schools in Columbia and Charleston, now known as the "Arsenal Academy," and the "Citadel Academy," respectively, shall retain the same distinctive titles, but they shall together constitute and be entitled "The South Carolina Military Academy."

Arsenal and
Citadel de-
clared a Mi-
itary Academy.

State Cadets,
the battalion
of.

Officers of, to
be commis-
sioned.

Removal of
by "Visitors."

Battalion,
drill of, and
position.

Graduates of,
eligible to com-
missions.

II. That the officers and students of the said South Carolina Military Academy, organized in their capacity of "a public guard," into one or more companies at the Citadel, shall constitute a military corps entitled "The Battalion of State Cadets." The said Battalion of State Cadets shall be a part of the military organization of the State, under the separate and immediate control of the Board of Visitors, and shall not be subject to the command of the militia officers, except when specially ordered for parade, review or service by the Commander-in-Chief. The officers of the said Battalion shall be commissioned by the Governor, with such rank and titles (the highest not exceeding that of Major,) as the Board of Visitors may determine: *Provided, nevertheless,* That the officers of the said Battalion may be removed by the Board of Visitors, and their commissions thereby vacated, in like manner as is now provided for in the second Section of this Act, for the removal of Professors of the Academy. The said Battalion of State Cadets will habitually manœuvre as Infantry, but as belonging to a school of instruction, it may manœuvre in any arm of the service, and shall take the right of all troops of the same arm in which it may, at any time, parade.

III. All graduates of the South Carolina Military Academy, in consideration of their four years' service at the said Academy, shall be eligible to any commissioned office not above the grade of Colonel, in the military organization of the State.

IV. That all Acts and parts of Acts inconsistent with, or repugnant to, this Act, be, and the same are hereby, repealed.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH A CORPS OF MILITARY ENGINEERS.

A. D. 1861.

No. 4512.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That immediately after the ratification of this Act there shall be established a corps of Military Engineers, to consist of one Major, two Captains, four First Lieutenants, and ten Sergeants.

Military engineers, corps established.

II. That the said commissioned officers shall be appointed and commissioned by the Governor, with the advice and consent of the Senate, and the said non-commissioned officers shall be appointed by the officer in command of the said Corps of Engineers.

Governor to appoint and commission officers of.

III. That the Major of Engineers is hereby authorized and required to establish a Bureau in the city of Charleston, and to employ one Clerk, at a rate of pay not exceeding fifty dollars per month, which said pay shall be drawn by the officer in command of the said Engineer Corps from the military fund provided by the General Assembly, and shall be accounted for annually to the Legislature.

Bureau for, in Charleston, and Clerk.

IV. That the commissioned and non-commissioned officers of the said Engineer Corps shall be allowed the same pay, rations and commutations when received into service as are now allowed to commissioned and non-commissioned officers of the same grade in the Engineer Corps of the United States Army. That all vacancies occurring among the commissioned officers shall be filled by the promotion of the officer next junior in rank, but in case of a vacancy in the office of junior First Lieutenant, it shall be filled by the appointment of the Governor, by and with the advice and consent of the Senate. And all vacancies occurring among the non-commissioned officers shall be filled by the officer in command of the Engineer Corps at the time being.

Officers, pay of.

Vacancies, how filled.

V. That the said Corps of Engineers shall be organized under the supervision of the Commander-in-Chief, and shall be under his command; and it shall be his duty to assign such officers, or detachments thereof, to such service, sea-coast or interior, military or topographical, as in his discretion may be requisite.

Duty of Governor in relation to.

VI. That this Act shall continue in force for one year.

In the Senate House, the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the United States of America.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE A PATROL AND MILITARY GUARD FOR THE CITY OF CHARLESTON, AND FOR OTHER PURPOSES.

No. 4513.

Whereas by reason of the volunteering of many of the active members of the Fire Department of the city of Charleston in the

A. D. 1861.

various military companies now in the service of the State, the effective force of that department is much reduced, and the said city being in a measure deprived of the services of the volunteers, it has become necessary to provide a more efficient patrol or military guard for the safety of the same; therefore,

Fire Department, to do patrol duty.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the members of the Board of Fire Masters, the officers of the Fire Department, and the officers and members of the various fire engine and axe companies of the city of Charleston, shall, whenever thereunto required by the Mayor of the said city, be subject and liable to perform armed patrol or guard duty within the said city.

Fire companies to furnish lists of members under oath

II. That hereafter it shall be the duty of each of the fire engine and axe companies of the said city of Charleston, to furnish the Chief of the Fire Department with a correct list, sworn to by the Secretary thereof, of all such officers and members of such company who are liable to the duties thereof, at least once in every three months, to be by him enrolled, together with the members of the Board of Fire Masters, and the officers of the Fire Department, as an armed patrol or guard. And it shall be lawful at any time of danger or alarm for the Mayor or acting Mayor of the said city to call upon such enrolled patrol or guard, or such portion of them as he may think necessary, and require of them to perform such armed patrol or military guard duty within the said city, in addition to their fire duty, as may be requisite, in his opinion, to the public safety.

Defaulters, how dealt with.

III. That all defaulters from such patrol or guard duty shall be reported, once in each month, by the Chief of the Fire Department, and the Presidents of the various fire engine and axe companies, to the said Mayor or acting Mayor, who shall, after notice, call a court, consisting of himself as presiding officer, and any two Presidents of the said companies, to try defaulters under this Act, and such court shall be, and is hereby, authorized to impose such fine, not exceeding twenty dollars, as they may think proper, such fine to be enforced and collected in the same manner as fines imposed by military court martials are now enforced and collected, and the said fines, when collected, shall be paid into the treasury of the said city.

Patrol not liable to draft.

IV. That all such persons so enrolled under this Act shall not be liable to any draft or drafts for military service which may hereafter be made under the requisition of any of the laws of this State.

Notice to be given of resignations.

V. That immediately upon the resignation of any person so enrolled from the said Fire Department, notice shall be given to the Chief of the Fire Department, who shall immediately strike such person from such enrollment.

Governor to issue arms to.

VI. That the Governor be, and he is hereby, authorized to issue to the Mayor of Charleston, upon his requisition, such arms and necessary ammunition as may be from time to time required to arm the said patrol or guard herein provided for.

VII. That this Act shall continue in force for one year from and after the passage thereof.

A. D. 1861.



In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR COMPENSATION TO OWNERS OF PROPERTY TAKEN FOR PUBLIC PURPOSES. No. 4514.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter, in all cases where land is taken for the purpose of laying out or altering any road within the State, by order of the Legislature, without the consent of the owner or owners thereof, it shall be the duty of the Commissioners of Roads of the District or Parish in which said land shall be taken, to appoint three of their number, who shall give notice to the said owner or owners, requiring him, her or them to appoint, in writing, three persons to act on his, her or their part with them, the said Commissioners, in assessing the value of the land taken; and said assessors, or a majority of them, after being first sworn by a Magistrate faithfully to perform the duty, shall proceed, upon view of the land so taken, to assess the value of the damages sustained, and the amount of compensation to be received by such owner or owners, respect being had to the true value of the said land, and of the advantages and disadvantages accruing by reason of the location or alteration of such road or roads; and said assessors, or a majority of them, shall certify, under their hands, such assessment at the next session of the Legislature, accompanying said certificate with a statement of the grounds of their assessment.

Owners of land, compensation to, when taken to lay out road.

Commissioners to assess value of.

II. That if in any case the said Commissioners and the persons so to be appointed cannot agree, it shall be lawful for them to appoint one disinterested person to act as an umpire, who shall, before the next session of the Legislature, make an assessment, and certify the same under oath, and under his hand, to the Legislature at its next sitting, together with a statement, in writing, of the grounds of said assessment; and in the event of their not agreeing on an umpire, the Clerk of the Court shall nominate some freeholder so to act.

On disagreement an Umpire to be called in.

III. That if in any case the owner or owners of such land as aforesaid, shall refuse or neglect to appoint persons to act on his behalf within one month after notice, it shall be lawful for the three Commissioners to proceed, under oath, as hereinbefore provided for, to make an assessment or computation, and shall certify the same to the said Legislature.

Neglect of owners to appoint.

Commissioners to proceed.

IV. That if the owner of the land be an infant, then the Court

A. D. 1861.

Infant owners, guardians to be appointed for.

of Common Pleas, or any Judge thereof, at Chambers, or Chancellor, is hereby authorized to appoint a guardian *pro hac vice*, to represent the interest of such infant in the premises, so far as the same may be affected by the provisions of this Act.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4515. AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE METHOD OF COUNTING VOTES IN ALL ELECTIONS BY THE PEOPLE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter, in all elections by the people, the Managers shall proceed to count the votes publicly, immediately after the final closing of the polls at the precinct where the votes have been taken, make out a certificate of the result, which shall be signed by the Managers, or a majority of them, and taken to the Court House, or place now fixed by law for counting the votes, on the day next subsequent to the day of the said election, on or before the hour of four o'clock P. M., by one or more of the said Managers: *Provided*, That nothing herein contained shall change the manner of counting the votes in St. Luke's Parish.

Elections, mode of counting votes in all.

II. That the Managers of Elections, or a majority of them, who may assemble, shall proceed to examine the statement of the Managers provided for in the first Section of this Act, and declare the result of the election.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4516. AN ACT TO REPEAL CERTAIN ACTS IN RELATION TO THE REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS IN THE STATE OF SOUTH CAROLINA.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act for the establishment of a

general system of registration of births, marriages and deaths in the State of South Carolina," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and an Act entitled "An Act for the better establishment of a general system of registration of births, marriages and deaths in the State of South Carolina," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, be, and the same are hereby, repealed.

A. D. 1861.
 Registration of births, marriages and deaths, repeal of Act establishing.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER COMPANY WITHIN THE LIMITS OF THE INDEPENDENT BATTALION ATTACHED TO THE THIRTEENTH REGIMENT OF INFANTRY. No. 4517.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and he is hereby, authorized to inspect and receive into the Independent Battalion attached to the Thirteenth Regiment of Infantry, a volunteer company of Riflemen, to be called the "Palmetto Volunteers," any law to the contrary notwithstanding.

Adjutant General, inspected and received by.

II. That the said company shall consist of not less than forty nor more than sixty active members, of whom one shall be Captain, two Lieutenants, three Sergeants and two Corporals; and whenever the number of active members shall be reduced below twenty-five, and said company shall fail to recruit to such number within six months after notice to its commanding officer to fill its ranks, it shall be dissolved, and its officers' commissions vacated.

Members, number of— officers.

III. That said company shall be subject to all the laws and regulations governing the companies now in the said Independent Battalion.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

A. D. 1861. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AFFORD
 INCREASED FACILITIES FOR THE ADMINISTRATION OF JUSTICE
 IN CHARLESTON DISTRICT."
 No. 4518.

Sessions busi-
 ness, limitation
 of time for.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third Section of an Act entitled "An Act to afford increased facilities for the administration of justice in Charleston District," ratified on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, be, and the same is hereby, altered and amended so as to read as follows: That it shall be the duty of the presiding Judge to devote the first three weeks of each term of said court to the sessions business, if so much time be necessary, and no more; and the remainder of the term to the call of the civil docket: *Provided*, That the whole of the present term of said court, if so much time be necessary, may be devoted to sessions business.

In the Senate House, the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4519. AN ACT TO AUTHORIZE THE FORMATION OF A TROOP OF CAVALRY AT SPARTANBURG VILLAGE, TO BE RECEIVED INTO THE UPPER SQUADRON, NINTH REGIMENT, FIFTH BRIGADE OF SOUTH CAROLINA CAVALRY; AND TO INCORPORATE THE SAME.

Adjutant
 General to re-
 ceive Spartan
 Troop.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and is hereby, authorized and empowered to inspect and receive into the Upper Squadron, Ninth Regiment, Fifth Brigade of South Carolina Cavalry, a Troop of Cavalry at Spartanburg village, to be called the "Spartan Troop," upon their conforming to the requisitions of the law in relation to the reception of new volunteer companies.

Incorporation,
 term of.

II. That the said Troop of Cavalry, as soon as it shall have been received as above, be, and the same is hereby, declared to be a body corporate and politic, for the term of fourteen years from the passing of this Act, and to have such powers as are incident to and subject to such liabilities as are now imposed by law upon like corporations.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GEORGETOWN IN SUNDRY PARTICULARS.

A. D. 1861.

No. 4520.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful hereafter for the Town Council of Georgetown to subscribe to the capital stock of any railroad, plank road or canal company, unless the following terms and conditions be observed and complied with: First. A resolution declaring the intention of the said City Council to subscribe to the stock of the particular company, specifying the number of shares and amount to be subscribed, shall first be passed at a regular meeting of the said Town Council, by a majority of the whole body. Second. That the resolution of the said Town Council of their intention to subscribe to the stock of such company, be published in all the newspapers of the said town, with a notice calling upon the citizens to meet at the town hall, in the day time, at a certain day named in the said notice, to consider the propriety of submitting the measure proposed to a direct vote of all the citizens of the said town. Third. That a majority of the citizens assembled in such meeting, or at an adjourned meeting thereof, shall determine by resolution, after full and free discussion, to submit the said measure proposed to them to a direct vote of all the citizens of the said town. Fourth. That when a majority of the citizens assembled at such meeting have resolved to submit the measure proposed to the direct vote of the voters, the Town Council shall order and give notice in all the newspapers of the said town (which notice shall be published at least seven days before) that the Managers of Elections of the said town will open and hold polls at their usual places in the said town, and between the usual hours for holding elections therein, on a certain day to be named in the said notice, not earlier than ten nor later than fifteen days after the meeting of citizens have resolved to submit the proposed measure to the direct vote, as aforesaid. And the Managers of Elections in the said town, on the day named in the said notice, shall open the polls at the proper places, and between the proper hours, and receive the votes of all persons entitled to vote in the said town for Intendant and Wardens, those persons approving of the measure to vote, each, one printed or written ballot, with "Aye" thereon, and those opposed voting similar ballots, with the word "No" thereon, and the said Managers of Election shall, as soon as practicable after the said votes have been taken, count the said ballots and return the state of their polls and the result to the said Town Council in writing, which returns shall be published in all the newspapers of the said town. If the vote be in favor of the subscription proposed by the said Town Council, then, and not otherwise, it shall be lawful for the said Town Council to authorize such subscription to be made by the Intendant in behalf of the said town, by his signature only, without the corporate seal. Fifth. No meeting of citizens of the said town shall be convened by the Town Council, according to the provisions of the second and third clauses or articles hereinbefore prescribed, until a survey or recognizance of the route of the road or canal shall have been made by competent surveyors and engi-

Railroads,
&c., authority
of Town Council
to subscribe
to, with condi-
tions.

A. D. 1861.

neers, and the results, together with proper estimates of the probable cost of the road or canal shall have been made and published in all the newspapers of the said town for at least thirty days before the said meeting is held. Sixth. The said Town Council shall not subscribe to any plank road or canal company more than one-fourth part of the capital stock or number of shares of the said company.

Shall not
guarantee
bonds or notes
for.

II. That hereafter it shall not be lawful for the said Town Council to endorse or guarantee the notes, bonds or other obligations, or accept the drafts of any railroad, plank road or canal company, but it shall and may be lawful for the said Town Council subscribing to the stock of any railroad, plank road or canal company, according to the provisions and in the mode hereinbefore declared and prescribed, to make and issue bonds or scrip for stock, not bearing more than seven per centum interest per annum, payable yearly or half yearly, and the principal payable or redeemable not longer than twenty years after the making or issuing of such bonds or scrip, for the purpose of raising money to meet the payments or instalments of the subscriptions to the railroad, plank road or canal company, made by the said Town Council.

Subscriptions
heretofore
made for, le-
galized.

III. That all subscriptions heretofore made by the said Town Council to any railroad, plank road or canal company, whether such company be within or without the limits of this State, and all bonds heretofore issued, or which shall hereafter be issued by them for the purpose of raising money, are hereby fully authorized and confirmed, and declared to be obligatory in law upon the said Town Council and town; but the said Town Council shall hereafter subscribe to no railroad, plank road or canal without the limits of this State, unless thereunto especially authorized and empowered by the Legislature of this State, otherwise such subscription shall be null and void, and of no legal obligation.

Power to levy
taxes.

IV. That the said Town Council of Georgetown shall have power and authority, annually, to levy and collect a tax, not exceeding five dollars on each white male inhabitant of the said town, of the age of twenty-one years or upwards, who shall not be a freeholder within the same, or whose taxes upon personal property, as hereinafter prescribed, shall not exceed the sum of five dollars: *Provided*, He shall have resided within the said town for three months next preceding the period at which such tax shall be laid; as also to assess and collect, annually, a tax not exceeding fifty cents on every hundred dollars of the gross amount of sales of all goods, wares and merchandise sold within the limits of the said town, by any person or persons whomsoever, whether for cash or credit, for or on their own account, or on account of others, as agent, attorney or consignee; also a tax not exceeding seventy-five cents on every hundred dollars of the gross amount of all sales at auction within the limits of said town, (except sales made by order of any court, or by process of law); also, a tax not exceeding one dollar per head on all slaves owned, kept or employed within the limits of said town; on all free negroes, mulattoes or mustizoes residing within the limits of said town, a tax not exceeding five dollars; also, a tax not exceeding seventy-five cents upon the gross incomes derived from factorage, employments and the practice of the pro-

fessions within the limits of the said town, (whether in the profession of the law the profits be derived from the costs of suit, fees or other sources of professional income): *Provided*, Such tax shall not extend to the incomes of ministers of the gospel, and schoolmasters or other teachers employed in the education of youth; also, a tax not exceeding seventy-five cents per hundred dollars on the amount of commissions received by vendue masters and commission merchants; also, a tax not exceeding seventy-five cents on every hundred dollars of all salaries not less than six hundred dollars: *Provided*, Such tax shall not extend to the salaries of clergymen and schoolmasters, or other teachers engaged in the education of youth; also, a tax not exceeding two per cent. on all premiums taken in said town by the agencies of insurance companies and underwriters without the limits of the same.

A. D. 1861.

V. That the said Town Council shall be authorized and empowered, from time to time, to require all persons owning wharves within the limits of said town to put the same in good repair whenever deemed necessary by the said Council, and upon their refusal or default to do so within two months after being notified so to do by the said Town Council, that the said Council may cause such wharves to be put in repair, and the owners thereof to pay the price of repairing the same: *Provided*, The contract for repairing said wharves may be let to the lowest bidder, and, at their discretion, to fine such defaulters in a sum not exceeding one hundred dollars.

Power over wharves.

VI. That so much of an Act entitled "An Act to amend the charter of the town of Georgetown," passed on the twenty first day of December, in the year of our Lord one thousand eight hundred and fifty four, as restricts the levying, collecting and expending of the taxes therein authorized to be levied and collected, to the maintenance of a guard in said town, be, and the same is hereby, repealed. And that the said Town Council shall have power to levy and collect the taxes in the said Act specified, and expend the same towards the payment of any bond or bonds, or script, issued by them under the authority of this Act, or towards the payment of any subscription heretofore made, or hereafter to be made, by the said Town Council to the capital stock of any railroad company.

Act of 1854, restricting power to levy taxes, repealed in part.

In the Senate House, the twenty eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE MAINTENANCE OF A POLICE NO. 4521.
 GUARD IN THE TOWN OF GEORGETOWN.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James G. Henning, Robert E. Fraser, Stephen W.

A. D. 1861.

Police Guard.
Commissioners
to organize a.

Rouquie and John J. Tamplet be, and they are hereby, appointed a Board of Commissioners for the purpose of organizing and maintaining a Police Guard in the town of Georgetown, for the period of one year, commencing on the first day of March, in the year of our Lord one thousand eight hundred and sixty-one.

Tax for, Com-
missioners to
levy a.

II. That the said Board of Commissioners are hereby authorized and empowered to levy a tax, not exceeding twenty-five per cent. on the State tax on the citizens of Georgetown and All Saints, not to include any part of All Saints lying in the Judicial District of Horry, which tax shall be collected by the person authorized by law to collect the State taxes, and paid over by him to the said Board of Commissioners, for the purpose aforesaid.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4522. AN ACT TO INCORPORATE THE GREENVILLE GAS LIGHT COMPANY.

Corporators.

Name, style
and privileges.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Thomas M. Cox, James P. Boyce, Alexander McBee, F. F. Beattie, Logan B. Cline and C. J. Elford, and their successors and associates, shall be, and they are hereby, incorporated and made and declared a body politic and corporate, in deed and in law, by the name and style of "The Greenville Gas Light Company," and as such body politic and corporate, shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have a succession of officers and members, conformably to such by-laws, and to sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities, incident to bodies corporate.

Corporation,
purposes of.

II. That the said corporation shall have full power and authority to manufacture, make and sell gas, to be made of rosin, coal, oil, turpentine or other material, and to furnish such quantities of gas as may be required in and near the town of Greenville, for lighting the streets, stores, dwellings and manufactories and buildings there situate, and for other purposes; to lay pipes and other conductors for conducting gas through the streets, alleys, lanes or squares of the town of Greenville, aforesaid, or its vicinity, and to erect such buildings, and to hold such real and personal estate, as may be requisite or necessary to carry on the business aforesaid; and the said corporation shall have power to raise by subscription, in shares of fifty dollars each, a capital of twenty-five thousand dollars, with

Capital.

the privilege of increasing the same to forty thousand dollars, and the said corporation shall or may go into operation, and the rights, privileges and franchises hereby granted, shall attach, whenever fifteen thousand dollars of the capital aforesaid shall have been actually paid in, and an oath or affirmation thereof shall have been made by the President, Treasurer, and a majority of the Board of Directors of the said company, and recorded in the office of the Secretary of State at Columbia, and shall have been published in one of the newspapers in the town of Greenville.

A. D. 1861.

III. That the said shares in the capital stock, aforesaid, of the said corporation, shall be deemed personal estate, and be transferrable only on the books of the said corporation. And no part of the said capital stock shall at any time, or under any pretence whatever, be loaned to or divided amongst the stockholders, nor shall the said capital be withdrawn or divided amongst the stockholders, until all the liabilities of the said corporation have been lawfully paid, nor shall any dividend be at any time declared, except of the clear earnings and profits of the said company, over and above the capital.

Stock deemed personal estate.

IV. That if the proprietor of any share shall refuse or neglect to pay any instalment assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the company may, by order of the Board of Directors thereof, sell by public auction a sufficient number of any shares held by such defaulters, to pay all instalments then due by him, together with the necessary and incidental charges; and the Treasurer shall give notice of the time and place of such sale, and of the sum due on each share, by advertising the same for two successive weeks previous to such sale, in some newspaper in the town of Greenville, and a bill of sale of the shares so sold shall be made by the Treasurer of the company to the purchaser thereof, who shall thereupon be entitled to have the same transferred to him on the books of the company, and shall be liable for all future instalments on the stock which he may have purchased.

Instalments. refusal to pay assessments.

V. That the said Thomas M. Cox, James P. Boyce, Alexander McBee, F. F. Beattie, Logan B. Cline and C. J. Elford may open books and take subscriptions for the capital stock of the said company, in such manner as they may deem expedient, and whenever such subscription shall amount to the sum of fifteen thousand dollars, the said stockholders, after being duly notified, may meet and elect a President and Board of Directors, or such other officers as they may deem necessary for organizing the said company and conducting the affairs thereof. And the said President and Board of Directors may appoint a Secretary and Treasurer, who shall give bond, with sufficient sureties, for the faithful discharge of the duties of his office, and may be removed at the pleasure of said President and Directors. And the said President and Directors shall continue in office until their successors shall have been duly elected, and until otherwise provided by the by-laws of the said corporation; and shall have power to dispose of the capital stock of the said company, not subscribed for, in such manner and at such times as they may deem fit. And at the said election of officers, and at all other meetings of the said company, every stockholder shall be entitled to one vote for every share held by him.

Books to be opened.

Officers, when to be elected.

A. D. 1861.

Annual statement to be made.

Damage to property of how punished.

VI. That the Directors shall submit to the stockholders, annually, a written statement, under the oath or affirmation of the Treasurer of the corporation, setting forth the amount of the capital stock paid in, and of the general assets of the company, and, also, the amount of all existing debts and liabilities of the said company.

VII. That any person wilfully injuring, or causing to be injured, any of the property of the said corporation, shall forfeit and pay to the said corporation treble the amount of damages sustained by any such injury, to be recovered by action in any court having cognizance thereof, and shall be guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding two years.

VIII. That this Act shall be deemed and taken to be a public Act, and shall continue of force until repealed.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4523. AN ACT TO LEND THE NAME AND CREDIT OF THE STATE TO THE GREENVILLE AND COLUMBIA RAILROAD COMPANY, IN THE READJUSTMENT OF THEIR DEBT.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General be, and he is hereby, authorized and directed to endorse the guarantee of the State upon the bonds of the Greenville and Columbia Railroad Company, to the amount of nine hundred thousand dollars, thereby pledging the faith and funds of the State for the payment of the principal of the said bonds and the interest to accrue thereon, which bonds shall be payable at such place as the Direction of the said company may order and direct, and shall bear interest not exceeding the rate of seven per centum per annum, payable semi-annually, and shall not have more than twenty years to run: *Provided*, That the bonds endorsed as aforesaid shall not be used by the said company for any other purpose than for funding the debt of one hundred thousand dollars now due by the company on notes and accounts, and of taking up the bonds of the company already issued, and now secured by mortgage: *And provided, also*, That the Comptroller General shall endorse the said bonds in the order, to the amount, and under the conditions following, to wit: As soon after the ratification of this Act as the Direction of the company may desire it, he shall endorse the bonds to the amount of one hundred thousand dollars; and at any time after the first of November, one thousand eight hundred and sixty-one, that the said Direction may require it, he shall endorse a further amount of one hundred and fifty thou-

State to endorse bonds of.

Bonds, restriction upon use of.

Conditions of endorsement.

A. D. 1861.

sand dollars; and as soon after the first day of January, one thousand eight hundred and sixty-two, as evidence shall be furnished to him that the said company has taken up and deposited with the President of the Bank of the State one hundred and fifty thousand dollars of the bonds now secured by mortgage, he shall endorse to the further amount of two hundred and fifty thousand dollars; and as soon after the first of January, one thousand eight hundred and sixty-three, as evidence shall be furnished him that the said company has taken up and deposited with the President of the Bank of the State two hundred and fifty thousand dollars more of the bonds now secured by mortgage, he shall endorse a further amount of two hundred thousand dollars; and as soon after the first of January, one thousand eight hundred and sixty-four, as evidence shall be furnished him that the said company has taken up and deposited with the President of the Bank of the State two hundred thousand dollars more of the bonds now secured by mortgage, he shall endorse to the amount of two hundred thousand dollars more: *Provided*, That the bonds thus taken up and deposited with the President of the Bank, as aforesaid, shall stand as security to the State, and thereby give the State the lien under the first mortgage, until all the bonds now secured by mortgage shall be retired.

Bonds taken up to be security to State.

II. *And be it further enacted*, That as soon as the Comptroller General shall have made any such endorsement on any bond, the whole estate, property and funds within the State, which the said company may then possess, or shall afterwards acquire, shall thenceforth stand pledged and mortgaged to the State, without any further act or deed on the part of the company for the faithful and punctual performance on the part of the said company of such contract, and the payment of such obligation, in priority and preference of any other debt which the said company may then or at any other time owe, except the bond debt now secured by mortgage, which shall enure to the benefit of the State, as hereinbefore provided, *pro tanto*, as the bonds are issued and applied, as above directed: *Provided*, That nothing herein contained shall prevent the company from selling all unserviceable machinery and materials, and such lots and real estate as may not be needed for the uses of the company.

Property to stand mortgaged.

III. *Be it further enacted*, That immediately after three years shall have elapsed from the time of the guarantee of the bonds, as aforesaid, the said company shall set apart two per centum on the amount of bonds thus guaranteed, to be used in the purchase and cancelling of the bonds guaranteed, as aforesaid, and when such bonds cannot be purchased, then the said fund to be used in the purchase of the bonds of the State, which, when purchased, shall be assigned to the Comptroller General, and held, with the accruing interest, as a sinking fund for the payment of the bonds guaranteed by the State for the said company. And the Governor, Comptroller General and President of the Greenville and Columbia Railroad Company are hereby constituted a Board of Commissioners for the management of said fund, and shall reinvest the same in the bonds of the State or of the company, when they can be obtained. Should the said company fail to comply with the

Fund for redemption of bonds.

Commissioners to manage fund.

A. D. 1861.

Bill to be filed
on failure to
pay bonds.

provisions of this Section, the Comptroller shall report the fact to the Legislature, and such body shall enforce a compliance with the provisions in the manner which it may deem most expedient.

IV. *And be it further enacted*, That if the said company shall fail to pay any of the bonds at maturity, the Governor of the State shall notify the Solicitor of the Circuit in which the company has its place of business, who shall immediately file a bill in the Court of Equity to enforce the lien of the State, which court shall appoint a Receiver, order a sale of the road and all the property and effects of the company, and otherwise decree as may be best to protect the interest of the State.

Assessment
stock to issue.

V. *Be it further enacted*, That the said company be authorized to issue stock to the State and to other stockholders for the amount of the twenty per cent. assessment, the said stock to stand in all respects on the same footing as the present capital stock.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4524. AN ACT TO AUTHORIZE THE FORMATION OF A NEW VOLUNTEER COMPANY OF INFANTRY WITHIN THE LIMITS OF THE TWENTY-SIXTH REGIMENT OF SOUTH CAROLINA MILITIA, TO BE CALLED THE "CHESTER RIFLES," AND TO INCORPORATE THE SAME.

Adjutant Gen-
eral to inspect,
and received
by.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and is hereby, authorized and empowered to inspect and receive into the Twenty-Sixth Regiment, South Carolina Militia, a new volunteer company of Riflemen, at Chester village, to be called the "Chester Rifles," upon their conforming to the requisitions of the law in relation to the reception of new volunteer companies.

Incorporation,
term of.

II. That the said volunteer company, as soon as it shall have been received as above, be, and the same is hereby declared to be, a body corporate and politic, for the term of fourteen years from the passing of this Act, and to have such powers as are incident to, and to be subject to such liabilities as are now imposed by law upon like corporations.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED.

A. D. 1861.

No. 4525.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons who now are, or hereafter may become, members of the following societies, to wit: "The Shiloh Baptist Church," in Anderson District; "The Presbyterian Church," at Unionville; "Richland Church," in Pickens District; "The Unitarian Clergy Society of Charleston;" "Pelican Chapter, No. 1, Rose Croix;" Padgett's Creek Baptist Church," in Union District; "The Methodist Church, South, at Williston," in Barnwell District; "The Board of Managers of the South Carolina Conference Book and Tract Society;" "The Darlington Agricultural Society;" "The Charleston Ladies' Association;" "The Burns Charitable Association;" "The Walhalla Charitable Society;" "The Macedonia Evangelical Lutheran Church, Nazareth Evangelical Lutheran Church, Bethlehem Evangelical Lutheran Church, Salem Evangelical Lutheran Church, St. David Evangelical Lutheran Church, Bethel Evangelical Lutheran Church, Union Evangelical Lutheran Church, all of Lexington District; and St. Mark's Evangelical Lutheran Church, Mt. Lebanon Evangelical Lutheran Church, Mt. Calvary Evangelical Lutheran Church, of Edgefield District, the above Lutheran Churches, both in Lexington and Edgefield, being in connection with the "Evangelical Lutheran Synod of South South Carolina and adjacent States," be, and the same are hereby, constituted bodies politic and corporate, for the term of fourteen years, by the name and style to each of them hereinbefore respectively assigned.

Names of societies incorporated.

II. That the said churches, societies and associations, shall have succession of Trustees, Vestry and Wardens, officers and members, according to their respective by-laws, and shall have power, respectively, to make by-laws, not repugnant to the laws of the land, and to have, use, and keep, a common seal, and the same to alter at will; to sue and be sued, in any court in this State; and to have and enjoy every right, power and privilege incident to such corporations; and they are hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as they may now severally have and possess, or be entitled to, or which shall hereafter be given, bequeathed or devised to them, respectively, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, That the amount so held shall in no case exceed the sum of fifty thousand dollars, except in the case of the Board of Managers of the "South Carolina Conference Book and Tract Society," which corporation shall have power to hold property, real and personal, to the amount of one hundred thousand dollars, and also the right to sell, alien or transfer the same, or any part thereof.

Succession of officers and members, and privileges.

III. That the charters of "The Lafayette Lodge, Number Eight, of the Independent Order of Odd Fellows;" "The Ladies' Benevolent Society, of Charleston;" "All Saints School Society;" "The

A. D. 1861.

Religions and
charitable so-
cieties, renew-
al of charters
of.

Unitarian Church, in Charleston;” “Union Light Infantry Charitable Society;” St. Peter’s Evangelical Lutheran Church, Mt. Zion Evangelical Lutheran Church, of Lexington District; and Trinity Evangelical Lutheran Church, Corinth Evangelical Lutheran Church, Good Hope Evangelical Lutheran Church, of Edgefield District, all in connection with the “Evangelical Lutheran Synod of South Carolina and adjacent States,” be, and the same are hereby, renewed for the term of fourteen years, with all the rights and privileges heretofore granted to them, respectively, and that all acts done by the said corporations since the expiration of their charters, be, and the same are hereby, declared as good and valid as if the said charters had not expired.

Chester Acad-
emy.

IV. That the charter of “The Chesterville Academy Society,” be, and the same is hereby, renewed for the term of fourteen years, with all the rights and privileges heretofore granted to said corporation; that the name shall hereafter be “The Chester Academy Society;” and that all such property as hath heretofore or may hereafter accrue to the State, in the District of Chester, on account of property which by an Act entitled “An Act to appoint escheators and regulate escheats,” hath escheated to the State, provided the same do not amount to more than twenty thousand dollars, shall be, and the same is hereby, vested in “The Chester Academy Society,” for the use of the Chester Academy; and the said corporation are hereby vested with all the powers necessary for receiving the said property, and for disposing of the same for the benefit of the said academy: *Provided, nevertheless,* That such escheats shall not affect any citizen or friendly alien, but that in all cases such citizen or friendly alien shall have liberty to plead the statute of limitations in all proceedings under the existing laws regulating escheats, in like manner as the said statute may now be pleaded in actions between citizens of this State: *And provided, also,* That nothing herein contained shall be so construed as to restrict the Legislature from vesting in any person or persons any escheated property within the said District, who may have an equitable claim thereto.

Grant of es-
cheats to.

Strict Observ-
ance Lodge,
charter of.

V. That Strict Observance Lodge, Number Seventy-three, Ancient Free Masons, be, and the same is hereby, declared a body corporate and politic, for the term of fourteen years, with the right to acquire and hold property, both real and personal, and the same to sell and convey, to an amount not exceeding ten thousand dollars: *Provided,* That nothing herein contained shall be so construed as to conflict with the powers vested in “The Grand Lodge of Ancient Free Masons of South Carolina,” by an Act entitled “An Act to incorporate the Grand Lodge of Ancient Free Masons of South Carolina, and for other purposes, therein mentioned,” ratified on the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen.

VI. That W. H. Smith, Charles H. Durant, Ezekiel Keels, James G. McIntosh, Hosea Wilson, John C. Rhame, Jesse P. Smith, James Lowry, W. J. McLeod, D. R. Durant, and all other persons qualified to vote for members of the Legislature of this State, who are, and their associates and successors who hereafter shall be, holders and owners of tents at the camp ground of the Methodist Episcopal

Church, South, in Sumter District, known as the "Tabernacle Camp Ground of Sumter District," are hereby declared to be a body politic and corporate, under the name of "The Tentholders of the Tabernacle Camp Ground of Sumter District;" and as a corporation, shall have jurisdiction, power and authority, in and over a territory extending one mile and a quarter in every direction from the preacher's stand, now erected on said camp ground, as a centre; and that the said corporation shall have all the powers, rights and privileges, and be subject to all the restrictions, that are granted to and imposed on the corporations of the Sumter Circuit Camp Ground, by the eighth Section of an Act passed on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, entitled "An Act to incorporate certain Religious and Charitable Societies, and Societies for the advancement of Education, and to renew and amend the Charters of others, heretofore granted."

A. D. 1861.
 Tabernacle
 Camp Ground,
 incorporation
 of.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE BUFORD'S BRIDGE RAILROAD COMPANY. No. 4526.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of forming a railroad communication between the South Carolina Railroad and Buford's Bridge, the formation of a corporate company is hereby authorized, to be called "The Buford's Bridge Railroad Company," which company, when formed, may construct a railroad from such point on the Augusta branch of the South Carolina Railroad, between the Edisto River and Blackville, as may be agreed on with that company, to Buford's Bridge, and thence to the Savannah River, if they shall desire to do so.

Name of company.

II. That the capital stock of said company shall be one hundred and twenty-five thousand dollars, with the privilege of increasing the same, at any time after the company is organized, to an amount not exceeding three hundred thousand dollars, to be divided into shares of twenty-five dollars each.

Capital stock of.

III. That for the purpose of raising such capital stock, it shall be lawful to open books of subscription at Buford's Bridge, under the direction of J. J. Brabham, Leroy Wilson and G. J. Priester; at Graham's Turn Out, under the direction of H. B. Rice, John W. Felder and C. C. Cooper; at Bamberg, under the direction of

Subscriptions to. Commissioners to receive.

A. D. 1861.

W. F. Miley, John W. Slater and W. F. Easterling; at Springtown, under the direction of A. F. Free, O. Lam and D. Kittrell; and at Barnwell Court House, under the direction of J. T. Aldrich, W. M. Hunter and George Ray; which books may be opened at any time, and from time to time, as the Commissioners at Buford's Bridge shall determine, upon first giving at least thirty days' previous public notice of the time and place of opening said books.

Organization.

IV. That whenever the sum of forty-five thousand dollars shall have been subscribed by responsible individuals, companies or corporations to the capital stock of said company, and an instalment of five dollars on each share subscribed paid in cash, it shall be lawful for said company to organize and proceed to the construction of their road, and for this purpose it shall be the duty of the Commissioners at Buford's Bridge to call a meeting of the stockholders, fixing the time and place of meeting.

Privileges of
G. & C. R. R.,
to attach to.

V. That for the purpose of organizing said company, and constructing the said railroad, the said company is hereby invested with all the powers and privileges, and subject to all the duties and liabilities that the Greenville and Columbia Railroad are invested with and subject to by an Act entitled "An Act to charter the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five; and the charter of the said Greenville and Columbia Railroad shall attach, and, as far as is practicable, become the charter of the Buford's Bridge Railroad Company.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4527. AN ACT TO DECLARE A CERTAIN PORTION OF FOUR HOLES CREEK A NAVIGABLE STREAM.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Four Holes Creek, from a point known as Bridge Lake, the present head of navigation, up to Mellard's Lake, be, and the same is hereby declared to be, a navigable stream, and for the purpose of clearing out and keeping open the same, for the purposes of navigation, the proprietors of land situated on and near the said creek are hereby invested with all the powers and privileges conferred on certain other proprietors between Bridge Lake and Edisto River, by an Act entitled "An Act to empower the proprietors of the lands on Four Holes Swamp to make navigable the Four Holes

A navigable
stream, with
power of pro-
prietors.

Creek," ratified on the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six.

A. D. 1861.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ENLARGE AND EXTEND THE POWERS OF THE GOVERNOR, AND OF THE CITY COUNCIL OF CHARLESTON, OVER QUARANTINE, AND FOR OTHER PURPOSES, PASSED ON THE TWENTIETH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-TWO. No. 4528.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall not be lawful, during the time that the Quarantine law for the harbor of Charleston is in operation, for any person to pass in ships, boats, vessels or otherwise within the quarantine lines or limits, as the same have been, or may hereafter be, established, according to law, without a permit from the Governor, or from the Mayor of Charleston; and every offender against the provisions of this Act shall, upon conviction under indictment in the Court of Sessions, be sentenced to imprisonment for a time not longer than twelve months, and to a fine not exceeding two thousand dollars.

Quarantine.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF GREENVILLE. No. 4529.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all and every person or persons who are constitutionally qualified to vote for members of the Legislature of this State, and who may have resided within the corporate limits of the town of Greenville

Corporators,
 qualifications
 of.

A. D. 1861.

for one year, are hereby declared to be members of the corporation hereby intended to be created.

Corporation,
name and style
of.

II. That the said persons and their successors shall, from and after the passing of this Act, become a body politic and corporate, which corporation shall be known and called by the name of "The Town of Greenville," and that the corporate limits of the said town shall extend for one mile in every direction, from the centre of the public square on which the Court House is situated.

Powers, in
whom vested.

III. That the municipal powers of the said town shall be, and are hereby, vested in an Intendant and six Wardens, who shall be denominated "The Intendant and Wardens of the Town of Greenville."

Intendant
and Wardens,
qualifications
for.

IV. That the said Intendant and Wardens shall be persons who are constitutionally qualified to vote for members of the Legislature of this State, and who shall have resided within the corporate limits of the said town for at least one year immediately preceding their election, and who shall own real estate in their own right therein.

Election, time
of.

V. That the said Intendant and Wardens shall be elected on the second Monday in September of every year, at which election all such persons as have hereinbefore been declared to be members of the said corporation shall be entitled to vote: *Provided*, That no person shall be allowed to vote at any election for Intendant or Wardens who shall have failed to perform road or patrol duty, or to pay his commutation tax in lieu thereof, or who shall have failed to pay any of his taxes to the said corporation for the year preceding such election, unless he has previously been discharged from the performance of such duties, or from the payment of such taxes.

Fines, power
to impose, for
illegal voting.

VI. That the said Intendant and Wardens shall have authority to punish, by a fine not exceeding twenty dollars, any person who shall vote at any such election for Intendant or Warden, without being legally qualified so to vote.

Elections,
times and
places for
holding, &c.

VII. The said election shall be held at one or more convenient places in the said town, from ten o'clock in the morning until three o'clock in the afternoon, when the polls shall be closed, and the Managers shall forthwith count the votes, declare the election, and give notice of the result thereof, in writing, to the persons elected. The Intendant and Wardens, for the time being, shall give ten days' public notice of the time and place or places of holding such election, and shall appoint three members of the said corporation as Managers of said election, at each of the places where it may be held; and the said Managers, before they open the polls, shall take an oath fairly and impartially to conduct the said election; and any person so appointed as Manager, and refusing to serve, shall be subject to a fine not exceeding twenty dollars, to be imposed by the said Intendant and Wardens; and the said Intendant and Wardens are empowered to make all necessary Ordinances, rules and regulations, for the proper, fair and just management and control of said elections, and to punish offenders against the same.

To take oaths.

VIII. That the Intendant and Wardens, to be elected as above directed, shall, before they enter upon the duties of their offices,

respectively take the oath prescribed by the Constitution of this State, and also take the following oath, to wit: "As Intendant (or Warden) of the town of Greenville I will equally and impartially, to the best of my skill and judgment, exercise and discharge the trust reposed in me, and will endeavor to carry into effect the purposes for which I have been appointed—So help me God."

A. D. 1861.

IX. That if any person who has been legally elected Intendant or Warden shall refuse to act, he shall forfeit and pay the sum of twenty dollars, for the use of the said town, unless said person shall have attained the age of sixty years, or shall have served a term in either of said offices within three years next preceding such election.

Refusal to
serve, penalty
for.

X. That the Intendant and any four or more of the said Wardens shall be a quorum for the transaction of business; and in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held, by appointment of the Intendant and Warden or Wardens, as the case may be, which election shall be conducted, in all respects, and be subject to all the regulations, as hereinbefore provided for the annual elections. In case of sickness or temporary absence of the Intendant, the Wardens shall be empowered to elect one of their own number to act as Intendant for the time.

Quorum for
business.Vacancies,
how filled.

XI. That the said Intendant and Wardens shall meet as often as they may deem it necessary, for the transaction of business, as often as occasion may require, and they shall have and keep a common seal, which shall be affixed to all their ordinances, rules and regulations relative to the streets, ways, public squares, markets and police of the said town, as shall appear to them requisite and necessary for the security, welfare and convenience of the said town, and for the preserving the safety, health, peace, order and good government of the inhabitants thereof. And the said Intendant and Wardens shall have authority to fix and impose fines, not exceeding the sum of fifty dollars, for the violation of the said ordinances, rules and regulations, which fines may be recovered in a summary manner before the said Intendant and Wardens, as hereinafter provided for, unless the said fine shall exceed the sum of twenty dollars, when it may be recovered by action of debt, by summary process, in the name of said corporation, before the Court of Common Pleas for Greenville District.

Meetings.

General pow-
ers.Fines, mode
of recovery.

XII. That the said Intendant and Wardens shall have power to elect and have a Clerk and Treasurer and one or more Marshals for the said town, and to establish the salaries and fees and prescribe the duties of said officers, and the said officers shall give bond, with sufficient sureties, in such amount as may be deemed proper, for the faithful discharge of the duties of their respective offices. The said Marshals shall be duly sworn in and take, in addition, the oath prescribed by law for State Constables, and thereupon be invested with all the powers and be subject to all the duties and liabilities of State Constables within the corporate limits of the said town, in addition to the duties and liabilities specially conferred and imposed upon them by the said Intendant and Wardens.

Clerk and
Treasurer and
Marshals, pow-
er to appoint.

XIII. That the said Intendant and Wardens shall, each of them, upon taking the oath prescribed by law for Magistrates, be invested

A. D. 1861.

Invested with powers of Magistrates.

Real estate, authority to hold.

Slaves and free negroes, power to punish.

Streets and ways, powers of Commissioners of Roads over.

Patrol, power to organize.

Licenses, exclusive power to grant.

with the power and authority of Magistrates, within the corporate limits of the said town, except for the trial of small and mean causes.

XIV. That the said Intendant and Wardens shall have power to purchase, hold, possess and enjoy, to them and their successors, in fee or for any term of years, any estate, real, personal or mixed, and to sell, alien and convey the same: *Provided*, The same shall not exceed at any one time the sum of fifty thousand dollars.

XV. That the said Intendant and Wardens shall also have power to prevent the violation of their ordinances, rules and regulations by slaves and free persons of color by inflicting upon such offenders any suitable imprisonment or other corporeal punishment not extending to life or limb.

XVI. That it shall be the duty of said Intendant and Wardens to keep all streets and ways within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted to Commissioners of Roads. And they shall have power to compound with all persons liable to work the streets or highways in said town upon such terms as the said Intendant and Wardens shall by ordinance establish, the money so received to be applied to the public use of said corporation; and all persons failing to perform such duty, or pay such commutation for the same, shall be liable to such fines as the said Intendant and Wardens may impose, according to the laws regulating fines by the Boards of Commissioners of Roads, for non-performance of road duty; and no person residing within the said limits shall be liable to work on any road or bridge without the said limits, or to be taxed or assessed for the same, except upon such property as may be situated without the corporate limits of said town.

XVII. That the power and duty of organizing, superintending and regulating the patrol within the limits of said town, be, and the same are hereby, transferred to, vested in, and devolved upon, the said Intendant and Wardens, who are hereby empowered to make all such Ordinances, rules and regulations relative to the time and manner of performing patrol duty within the said limits, and to impose such fines and penalties for violations thereof, as they may deem necessary to preserve the peace, good order and safety of the inhabitants of the said town: *Provided*, That no Ordinance shall diminish the quantity of patrol duty which now is, or hereafter may be, required by law: *And provided, further*, That the said Intendant and Wardens shall have power to compound with persons liable to patrol duty, by receiving from them, annually, a sum of money, to be established by Ordinance, in lieu of the performance of such duty, the said money to be used for the purposes of said town.

XVIII. That the said Intendant and Wardens shall have full and exclusive power to grant or refuse licenses to keep taverns, to retail spirituous liquors, or to keep billiard tables within the corporate limits of said town, and to regulate the prices of the same: *Provided*, That the said licenses shall not be fixed at a lower rate than that now, or hereafter to be, established by law. And they shall have power to impose such restrictions and conditions upon the manner of using and exercising such licenses as they may think

proper; and all moneys paid for such licenses, as well as all fines imposed by the Court of General Sessions for retailing or for keeping billiard tables without licenses within the corporate limits of said town, shall be received by the said Intendant and Wardens for the use of the said corporation.

XIX. That the said Intendant and Wardens shall have power and authority to impose the following annual taxes for the uses and purposes of the said town, that is to say: not exceeding twenty-five cents on the value of each one hundred dollars of real estate within the corporate limits of said town (except the real estate of churches and institutions of learning,) the value of such real estate for taxation to be ascertained and assessed as hereinafter provided for; not exceeding twenty-five cents on each one hundred dollars of the proceeds of all sales of goods, wares and merchandise in said town; not exceeding one dollar each upon all slaves residing within said town; not exceeding twenty-five cents upon each one hundred dollars of the incomes arising from the professions of law, medicine and dentistry, and from the business of taking daguerreotypes, ambrotypes, photographs or other similar likenesses; not exceeding three dollars on each pleasure carriage drawn by one horse; not exceeding five dollars on each pleasure carriage drawn by two or more horses; not exceeding five dollars on each vehicle of any kind, kept for hire or profit, and drawn by one horse; not exceeding ten dollars on each vehicle of any kind, kept for hire or profit, and drawn by two horses; not exceeding twenty dollars on each vehicle of any kind, kept for hire or profit, and drawn by more than two horses; not exceeding two dollars each on all dogs kept within said town, the owners of slaves to be liable for the taxes of dogs kept by their slaves; and not exceeding fifty cents upon each one hundred dollars of all sales made at auction or upon consignment within the corporate limits of said town, except sales made by order of court, or by process of law, or by executors or administrators.

XX. That the said Intendant and Wardens shall, annually, within one month after entering upon the duties of their office, appoint three freeholders of said town to assess the value of the real estate therein for taxation; and said assessors shall, before making such assessment, take an oath fairly and impartially to assess the actual value of the said real estate, and they shall make their return of the said assessment to the Intendant and Wardens within one month from the time of their appointment. The said assessors shall be compensated by the said Intendant and Wardens for their services; and any person so appointed as assessor, and refusing to act, may be fined by the said Intendant and Wardens, not exceeding twenty dollars.

XXI. That the said Intendant and Wardens shall have authority to grant license to auctioneers, and to regulate sales at auction within said town, and to punish by fine any violations of such regulations.

XXII. That the said Intendant and Wardens shall have authority to impose a tax, within their discretion, upon itinerant auctioneers, traders and peddlers within said town, and upon all bowling alleys or other places of amusement, kept for profit within the lim-

A. D. 1861.

Taxes, authority to impose.

Assessors.

Auctioneers, power to license.

Itinerant auctioneers, power to tax.

A. D. 1861.

its of said town, and to appropriate the amount of all such taxes to the use of the said corporation.

Free negroes,
tax on.

XXIII. That the said Intendant and Wardens shall have authority to impose an annual tax, not exceeding ten dollars, on each free person of color residing within said town, and to make any regulations which they may deem proper for the control and good behaviour of all free persons of color residing therein, and to declare the terms and conditions upon which free persons of color shall become, or may remain, residents of said town.

Tax ordi-
nance, to be
published.

XXIV. That an Ordinance declaring the rate of annual taxation upon property and other subject of annual taxation, for the year, shall be published at least three weeks, during the month of December, in each year, and that all persons liable to taxation under the same shall make their return on oath, and make payment of their taxes to the Clerk and Treasurer of the said corporation during the succeeding month of January; and that upon failure to make such return and payment, the parties so in default shall be subject to the penalties now provided by law for failure to pay the general State tax, the said penalty to be enforced by the said Intendant and Wardens for the use of the said town; and that all other taxes imposed by the Intendant and Wardens shall be payable in advance by the parties liable therefor, and that for non-payment of the same, the party in default shall be subject to the same penalty as that hereinbefore set forth in relation to annual taxes.

Return, un-
der oath.Taxes to be
paid in ad-
vance.Executions,
how to be pros-
ecuted.

XXV. That all fines imposed by the said Intendant and Wardens, for the violation of any of their ordinances, rules and regulations, or for default in the performance of street or road, or of patrol duty, or any other fine which the said Intendant and Wardens have authority to impose, shall be collected by execution of *fiery facias*, and upon that being returned *nulla bona*, by execution of *capias ad satisfaciendum* issued under the hand of the Intendant or one of the Wardens, or of their Clerk and Treasurer, and the seal of the said corporation, and directed to either of the Marshals of the said town, or to the Sheriff of Greenville District, which executions shall have the same force and effect, and be subject to all the conditions, of similar executions issuing from the Court of Common Pleas or General Sessions of this State.

Trials, mode
of procedure.

XXVI. That in all cases of trials before the said Intendant and Wardens, for the violation of any of the ordinances, rules and regulations of said corporation, or for default in the performance of street or road or patrol duty, the party charged shall be summoned by a written notice under the hand of the Intendant, or one of the Wardens, or of their Clerk and Treasurer, stating the offense charged, and the time and place of appearance, and in case the party so charged be a slave, such notice shall be given to the owner thereof; and such summons shall be served by one of the Marshals of said town, either by delivering a copy thereof to the parties charged, personally, or by leaving a copy at the most notorious place of residence of said party, if the party charged be a white person or free person of color, and if the party charged be a slave, then by such service on the owner or person in charge thereof; which service shall be made at least three days previous to said trial, unless the party charged be a non-resident of said town, in which

case, the summons may be served at any time previous to the trial. And the said Intendant and Wardens shall have power to compel the attendance of witnesses upon such trials by summonses in writing, to be served in the manner aforesaid, at any time previous to the said trial; and the said Intendant and Wardens shall have the same powers to punish for contempt of their proceedings, or for disobedience of their summons, that are given for this purpose to Magistrates of this State.

A. D. 1861.

XXVII. That the said Intendant and Wardens shall have power to establish and keep a guard house and town prison, and to make all suitable rules and regulations for the proper government of the same, and any of the Marshals of the said town are authorized to arrest and commit to the custody of the said guard house or town prison, for a term not exceeding twenty-four hours, any person or persons who may be guilty, within the corporate limits of said town, of a breach of the peace, or of public drunkenness, or of open indecency, or any other disorderly conduct, injurious to the peace, safety and good order of the citizens of said town; and the said Marshals shall, whenever necessary in the discharge of their duty, have authority to call the *posse comitatus* of the said town to their assistance; and any person so arrested and imprisoned shall be liable to all the costs and expenses of said arrests and imprisonment, and be further liable to any fine which the said Intendant and Wardens may impose for their said misconduct.

Guard house
and prison.

XXVIII. That the said Intendant and Wardens shall have full power and authority to abate all nuisances within the corporate limits of said town, and also to appoint a Board of Health for said town, and to pass such ordinances as may be necessary to define the powers and duties of said Board, and to impose a fine, not exceeding twenty dollars, upon any person appointed upon said board, for neglect of duty or refusal to serve.

Nuisances to
be abated.

XXIX. That the said Intendant and Wardens shall have power to close all such streets, roads and ways in said town, as they may deem proper, by sale of the freehold therein, at public or private sale, as they may judge best for the interest of the town, and to lay out, open, adopt and keep in repair all such new roads, streets or ways as they may from time to time deem important or necessary for the improvement and convenience of said town: *Provided*, That no street, road or way be closed without the consent of the adjoining land owners; and that no new street, road or way be opened without the consent of the owner or owners of the land through which the same may pass.

Streets,
how closed.

XXX. That the said Town Council shall have power and authority to require all persons owning land in said town, to make and keep in good repair sidewalks along any public street or road adjoining said land, whenever the same may be deemed necessary, and the width and manner of construction of such sidewalk shall be designated by said Intendant and Wardens, and on default or refusal, after reasonable notice to make and keep in repair such sidewalks, the said Intendant and Wardens may cause the same to be made or repaired, and require the costs of such making and repairing to be paid by such land owners, and the said amount, if less than twenty dollars, shall be recovered in the same manner as

Sidewalks.
power to regu-
late.

A. D. 1861.

is prescribed for the recovery of fines in this Act; and if more than twenty dollars, the same shall be recovered by suit in the Court of Common Pleas for Greenville District.

Wards, number of.

XXXI. That the Intendant and Wardens aforesaid shall proceed to lay out and divide the said town into six wards, to be numbered from one to six, respectively; and in the election of Wardens for said town, each of the said wards shall be represented by a Warden who shall be a resident of the said ward.

Bonds, how and for what issuable.

XXXII. That the said Intendant and Wardens shall have authority to issue the bonds of said town, to the amount of twenty thousand dollars, payable in from five to ten years, with annual or semi-annual coupons for the payment of interest, for the purpose of supplying said town with water, of purchasing or erecting a Town Hall, or for any other purpose necessary for the improvement and well being of said town: *Provided, however,* That the question of issuing said bonds, previous to each issue, be submitted to a vote of the corporators, and at least two-thirds of the votes cast should authorize said issue.

Street and road duty, exempt from.

XXXIII. That the Intendant and Wardens shall, during their term of office, be exempt from street, and road, and patrol duty.

Annual statement, publication of.

XXXIV. That the Intendant and Wardens shall, within one month after the expiration of their term of office, make out and publish a full account of their receipts and expenditures during their term, and shall pay and deliver to their successors all moneys, books, records, papers or property, in their hands belonging to the corporation.

Indictment, Intendant and Wardens liable to.

XXXV. That for any wilful violation or neglect of duty, malpractice, abuse, or oppressions, the said Intendant and Wardens, severally, shall be liable to indictment, in the Court of General Sessions, and, upon conviction, to punishment, by fine not exceeding one hundred dollars, besides being liable for damages to the party injured.

Corporate powers granted vested in present Council.

XXXVI. That all the rights, privileges, powers and authority, herein vested in and granted to an Intendant and six Wardens for the town of Greenville, are hereby vested in and granted unto the present Intendant and four Wardens of the said town, and to any person who may be elected to fill a vacancy in their number, until the second Monday in September next, being the end of their term of office, at which time, and at all future elections, an Intendant and six Wardens shall be elected for said town, as hereinbefore provided for, and the present Intendant and Wardens are liable to all the duties, obligations and penalties imposed by this Act, and during the remainder of their term of office the present Intendant and three Wardens shall be a quorum to transact business.

A public Act.

XXXVII. That this Act shall be deemed and taken as a public Act, and due notice thereof shall be taken in all courts of justice and elsewhere in this State. That all Acts heretofore passed relative to the incorporation of the said town be, and the same are hereby, repealed, and that this Act continue of force until the same be repealed.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS OR STOCK FOR CONTINUING THE CONSTRUCTION OF THE NEW STATE HOUSE.

A. D. 1861.

No. 4530.

Bonds or stock for new State House, amount of.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of this State be, and he is hereby, authorized and required to issue bonds or stock in the name of the State, to be countersigned by the Comptroller General, to the amount of four hundred thousand dollars, redeemable at the Treasury of the State, that is to say: Two hundred thousand dollars thereof to be redeemable on the first day of July, in the year of our Lord one thousand eight hundred and eighty-two, and two hundred thousand dollars thereof to be redeemable on the first day of July, in the year of our Lord one thousand eight hundred and eighty-six, the said bonds or stock to bear interest at six per cent. per annum, payable semi-annually at the Treasury of this State: *Provided*, That before the bonds herein provided for are issued, the Architect shall file with the Commissioner complete plans and specifications for the whole building, with working details, and minute and detailed estimates of the total cost of the same.

II. That the faith of the State is hereby pledged for the punctual payment of the interest on said bonds or stock, and for the redemption of the principal of the same when it shall become due.

Principal and interest, faith of State pledged for.

III. That the Bank of the State of South Carolina is hereby made the agent of the State for the sale of the said bonds or stock, and is authorized to sell the same, under the direction of the Governor, from time to time, as the necessities of the work may require, at a price not less than ninety-five cents per centum of the value of the said bonds or stock; and all moneys arising from the sale thereof shall be placed in the Treasury to the credit of the fund for erecting the New State House, and be subject to the draft of the Commissioner charged with the erection of the New State House, countersigned by the Comptroller General.

Sale of Bank of State agent for.

IV. That if it shall be made to appear that the bonds or stock cannot be sold at or above the rate designated, from time to time, as the necessities of the work may require, the Governor is hereby authorized and required, not sooner than the first day of April, in the year of our Lord one thousand eight hundred and sixty-one, to suspend the prosecution of the said work; and should there not be sold a sufficiency of said bonds or stock to continue the said work until the first day of April, the Bank of the State of South Carolina shall furnish to the Commissioner of the New State House the additional funds that may be necessary for the prosecution of the work to that period, and shall hold, of the said bonds and stock, a sufficiency to cover the moneys so advanced: *Provided*, That the amounts so advanced shall not exceed the sum of ninety thousand dollars: *Provided, further*, That no new contracts, not including the ordinary contracts, for labor, shall be entered into until stocks or bonds be sold sufficient to meet the amount of such contracts.

Governor, authority of, to suspend work.

In the Senate House, the twenty-second day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO MAKE MALICIOUS TRESPASSES INDICTABLE."

No. 4531.

Malicious trespasses declared a misdemeanor.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first Section of an Act entitled "An Act to make malicious trespasses indictable," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be altered and amended so as to read as follows: That any person who shall wilfully, unlawfully and maliciously cut, shoot, maim, wound or destroy any horse, mule, neat cattle, hog, sheep, goat, or other personal property, the goods and chattels of another, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined and imprisoned at the discretion of the Judge before whom the cases shall be tried.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4532. AN ACT TO INCORPORATE THE PRESBYTERIAN CHURCH OF AIKEN.

Aiken, incorporation of Presbyterian Church of.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all those persons who now are, or hereafter may become, members of the said church, shall be, and they are hereby, incorporated as a body politic and corporate, and shall be known in deed and in law by the name of the "Presbyterian Church of Aiken."

Privileges.

II. That the said corporation, by its name aforesaid, shall have a succession of officers and members, to be appointed or elected in such manner, and according to such form, as may be provided by the rules and regulations now existing or hereafter to be made, for the regulation of the said church, and that they shall have a common seal, with power to make new and alter the same, together with the said rules or regulations, in such manner and as often as they may deem necessary or expedient.

III. That the said corporation shall be capable to have, hold and enjoy any estate, real or personal, in perpetuity, or for any term of years, whether acquired by donation, devise, or purchase: *Provided*, That the annual rent or amount thereof shall not exceed two thousand dollars; and to lease, alien or dispose of the same in fee or for term of years, in any way it may deem proper; and may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State.

IV. That this Act shall remain and continue of force for the term of fourteen years, and from thence until the expiration of the

next ensuing session of the Legislature and no longer, and shall be deemed and taken to be a public Act, and judicially taken notice of as such without special pleading.

A. D. 1861.



In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE WEST POINT MILL COMPANY. No. 4533.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William Lebby, Theodore Stoney, William Ravenel, Alfred F. Ravenel, Francis G. Ravenel, Charles H. West, William Aiken, William St. J. Mazyck, Charles T. Lowndes, Robert F. W. Allston, Henry D. Lowndes, James Legare, Joseph D. Aiken, Alfred Huger, Allen S. Izard, William C. Heyward, William Lowndes, Robert Pringle, and their associates and successors, be, and the same are hereby, declared, made and created a body politic and corporate in law, by the name of "The West Point Mill Company," for the purpose of preparing rice and other grains, and for other milling purposes, with a capital of two hundred thousand dollars, with the privilege of extending the same to three hundred thousand dollars, in shares of five thousand dollars each.

Corporators.

Name and style, purposes, capital.

II. That the said corporation may purchase and hold such real and personal property as shall or may, in its discretion, be necessary and proper for the carrying out of the said objects of pounding, beating and milling, with power to buy and sell rough and pounded rice and other grain, rice flour, chaff and all of their concomitants, and also to sell, alien, or otherwise dispose of its real and personal property, or any part thereof, at its will and pleasure, and at its discretion, and to sue and be sued in all courts of law and equity, to make, have and use a common seal, at its discretion, and the same to break and destroy and replace, as it shall see fit and proper, and to make such by-laws and regulations for its government, not inconsistent with the laws of the land, as it shall from time to time see fit and proper, and the same to alter and amend as it shall see fit and proper, in accordance with the said by-laws and regulations, and with the laws of the land.

Real estate, power to hold.

Privileges and liabilities.

III. That the said corporation shall have such officers and sub-officers, and assistants and employees, as it shall see fit from time to time to appoint, in consonance with its said by-laws and regulations, and the same to displace agreeably thereto, as it shall see fit.

Officers.

IV. That the said corporation shall be and continue in force as a body politic and corporate for the space of fourteen years from

Limitation of charter.

A. D. 1861. } the date of this charter, and until the session of the General Assembly subsequent thereto.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4534. AN ACT TO AUTHORIZE THE "RAILROAD ACCOMMODATION WHARF COMPANY" TO CONSTRUCT A DRAW BRIDGE OVER MAZYCKBOROUGH CREEK.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the "Railroad Accommodation Wharf Company" be, and they are hereby, authorized to construct a draw bridge across Mazyckborough Creek, connecting the lands of said company lying on each side of said creek: *Provided*, That nothing herein contained shall be construed to protect said company against any actions for injury to private property affected by the construction of said bridge: *Provided*, That any persons who may deem their private property injured by the erection or working of the said draw bridge shall have the right to have the damage, if any, assessed against the said company by five Commissioners, or a majority of them, to be appointed by the Court of Common Pleas and General Sessions for Charleston District, with the right of appeal, as prescribed in the fourteenth Section of an Act to alter and amend the charter of the King's Mountain Railroad Company, as far as the same be applicable, and the said court shall have power to make all rules and regulations to give full force and effect to the assessment of the Commissioners: *Provided, also*, That it shall be the duty of the Accommodation Wharf Company, their successors and assigns, to keep in their employ, in connection with the said draw bridge, such person or persons as will, at all times, yield free and uninterrupted ingress and egress to all vessels, boats or rafts passing through the said creek or canal, and the said company, its officers and members, shall be liable to indictment and reasonable fine in the said court for any default of duty in the premises.

Drawbridge,
power to con-
struct a.

Damages, li-
ability for.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE DUE WEST FEMALE COLLEGE.

A. D. 1861.

No. 4535.

Corporators.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That J. F. Lee, R. C. Sharp, J. N. Young, W. R. Hemphill, J. J. Bonner, D. O. Hawthorne, A. C. Hawthorn, J. P. Pressly, J. R. Wilson, J. Galloway, R. C. Grier and J. L. Miller, and their associates and successors, be, and they are hereby, created a body corporate, by the name and style of the "Due West Female College," for the purpose of establishing, organizing and conducting a seminary of learning for females, in the village of Due West, in Abbeville District; and that said corporation, by the name aforesaid, shall have power to sue, and be liable to be sued, in any of the courts of this State, to use a common seal, and to make all such by-laws, rules and regulations as it may deem necessary and proper for the establishment, organization and government of such seminary of learning, and the transaction of the business of such corporation: *Provided, however,* Such by-laws, rules and regulations be not inconsistent with, or repugnant to, the laws of the land.

Name and style and purposes.

Powers and liabilities.

II. The said corporation shall have power to purchase, acquire and hold property, real and personal, to an amount not exceeding two hundred thousand dollars, and the same to sell and convey; and shall also have power to grant diplomas to, and confer degrees upon, the graduates of said seminary.

May hold real estate for degrees.

III. That this Act shall be deemed a public Act, and continue of force for the term of fourteen years.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCREASE THE POWERS OF COMMISSIONERS OF PUBLIC BUILDINGS.

No. 4536.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if, at any time, the Court House of any District in this State shall be in course of reconstruction or repair, or from any other cause shall not be in condition to be occupied, it shall be the duty of the Commissioners of Public Buildings for such District to furnish suitable rooms for the accommodation of the courts and public officers.

Commissioners of Public Buildings, increased powers to.

II. That it shall be the duty of the Commissioners of Public Buildings in this State to furnish, at all times, blankets and such other bedding as shall be necessary for prisoners confined in jail in their respective Districts, and for the purpose of enabling the Commissioners of Public Buildings of the several Districts to execute

Tax, power to levy a.

A. D. 1861.

the provisions of this Act, they are hereby authorized and empowered to levy such assessments on the general tax of the District as may be necessary to pay for the same.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4537. AN ACT TO INCORPORATE THE CENTRAL RAILROAD COMPANY OF SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized, under the name and style of the Central Railroad Company of South Carolina, for the purpose of constructing a railroad from some point on the Northeastern Railroad, northward of the Santee River, at or near Gourdin Station, passing through or near the towns of Manning, Sumter, Bishopville and Lancasterville, to the town of Charlotte, North Carolina, and the said company shall have corporate existence in each of the States aforesaid.

II. That the capital stock of the company shall consist of fifty thousand shares, of fifty dollars each; but the company shall have the liberty to increase their capital stock, by the issue of ten thousand additional shares, at the aforesaid value of fifty dollars, upon such terms and conditions as the said company shall hereafter prescribe.

III. That books for receiving subscriptions to the capital stock of the company, hereby authorized, shall be opened on the first Monday in April, in the year of our Lord one thousand eight hundred and sixty-one, and be kept open for ten days following, at the places hereinafter named, and by the Commissioners hereby appointed for that purpose, to wit: At Charleston, A. F. Ravenel, S. Mowry, Jr. John Dukes; at Murray's Ferry, Dr. D. M. Mason, Thomas J. China, John A. Keels; at Manning, Dr. John J. Ingraham, R. P. Haynsworth, J. S. McFadden; at Sumter, George W. Lee, L. B. Hanks, A. White, Jr., J. T. Solomans, N. Crane; at Mechanicsville, Ladson L. Fraser, Jr., F. H. Kennedy, Dr. W. J. McKain; at Bishopville, J. A. Carnes, Charles Spencer, Thomas M. Muldrow; at Tiller's Ferry, J. R. Shaw, Wiley Kelley, B. S. Lucas, Jr.; at Lyzenby, D. Bathune, J. J. McLaurin, John Brennan; at Clyburn's Store, Stephen F. Clyburn, W. Mungo, Burrell Jones; at Lancasterville, James H. Witherspoon, S. B. Massey, M. P. Crawford, John Adams; at T. R. Magill's Store, T. R. Magill, M. C. Heath, J. J. Porter, R. C. Botts; at Magill and Beathe, J. R. Magill, J. B. Mobley, W. C. Cauthen, T. L. Clyburn; at Charlotte, North Carolina, Dr. C. J. Fox, John Y. Bryce and S. W. Davis. The

Names of
Commissioners
—their duties.

Books to be
opened.

Name and
style.

Capital stock.

A. D. 1861.

said Commissioners shall give thirty days' notice of the time and place of receiving subscriptions, by advertising in four or more gazettes of the State. It shall be lawful for any one of the said Commissioners to receive subscriptions in the absence of the others, and if any of them shall decline to act, the Governor may appoint others in their stead. There shall be paid to the Commissioners, at the time of subscribing, one dollar on each share subscribed, and no subscription shall be valid without such payment. The amount thus subscribed shall be deposited by the aforesaid Commissioners in the Bank of the State of South Carolina, in Charleston, subject to the check or order of the company, through its President and Directors. In case, at the time of closing the books, the number of six thousand shares shall not have been subscribed, it shall be lawful for the Commissioners to receive further subscriptions at any time within three years from the first opening of the books. If at the time of closing the books, or at any time within three years from their first opening, as aforesaid, the requisite number of six thousand shares shall have been subscribed, the company shall be incorporated, and this Act of incorporation shall attach and become effectual. The Commissioners, at the aforementioned places, shall transmit to the Commissioners at the town of Sumter their respective books of subscription, and when it shall appear to the said Commissioners, at the town of Sumter, that the requisite number of shares has been subscribed, they shall forthwith appoint a convenient time and place for the meeting of the stockholders, and shall cause the same to be advertised, for thirty days, in five of the gazettes of the State of South Carolina, and in one gazette of the State of North Carolina, previous to the day of said meeting.

IV. At the first and all other meetings of the said company it shall be lawful for any stockholder to be represented by proxy, whose appointment shall be in writing, signed by such stockholder; but no person not a stockholder, shall be such proxy. If the holders of a majority of the shares shall not attend in person, or by proxy, at the time and place appointed for any meeting, the stockholders present shall have authority to adjourn the meeting from time to time until a majority of the shares shall be represented. At the first meeting of the stockholders, and annually thereafter, at such time as may be appointed by the by-laws, they shall elect, by ballot, to serve one year, and until another election, a President and twelve Directors. No person shall be elected as President or Director who is not the owner of at least fifty shares, which, as to all elections after the first, shall have been held by the person elected at least three months before the election. In the election of President and Directors, in the establishment of by-laws, and in all other acts to be done by the stockholders in their corporate capacity, the votes shall be counted in proportion to the number of shares held by them respectively, according to the following scale: For each share, from one to fifty, inclusive, one vote; for every five shares above fifty, and not above one hundred, one vote; and for every ten shares above one hundred, one vote.

Meetings, proxies may represent stockholders.

President and Directors, election of.

Votes proportioned to shares.

V. The said company, by its corporate name, above mentioned, shall have perpetual succession of members; shall be capable of acquiring and holding real and personal property, so far as the

Powers and liabilities.

A. D. 1861.

same may be necessary and suitable for the purposes for which they are incorporated; may sue and be sued, plead and be impleaded, may have and use a common seal, which they may break and alter at pleasure; and make all such by-laws, rules and regulations as they may deem necessary for the well ordering and conducting of the affairs of the said company: *Provided*, Such by-laws, rules and regulations be not repugnant to the Constitution and laws of the State.

Rights of way.

VI. For the purpose of acquiring such lands or rights of way as the company may require for the location and construction of their road, or for the erection or location of such depots, warehouses, stations and other necessary establishments, or for extending or altering the same, the said company shall have every right, privilege and power heretofore granted to, and which now is, or has been used, possessed or enjoyed by the Charleston and Savannah Railroad Company, heretofore incorporated in this State, and shall also be entitled to the use and benefit of every process or proceeding provided by law for enabling the said railroad company to obtain and hold in fee simple such lands or rights of way as they may require, in cases in which the consent of the owner cannot be obtained. For crossing any public roads, rivers, creeks or other water courses, the said company may, at their option, either construct viaducts, bridges or any proper form of crossing the same, but not in such manner as to obstruct the crossing of such public roads, or the navigation of such rivers, creeks or streams.

Transportation, rights of.

VII. The said company shall have the same exclusive right of transportation on their railroad, or railroads, which is possessed and enjoyed by any other railroad company in this State, and persons trespassing or intruding upon the said railroad shall be liable to all the penalties provided by law for the prevention of trespasses and intrusions upon any other railroad; and any person who shall wilfully destroy, damage or obstruct the said railroad, or any branch or part thereof, shall be liable to all the penalties to which persons wilfully destroying, damaging or obstructing any other railroad are made liable by any law of this State.

Money, company may borrow.

VIII. The said company shall also have the privilege of borrowing any money for the purpose of constructing their road, on such terms and at such rate of interest as they may think proper.

Subscriptions, payable in instalments.

IX. Subscriptions to the stock of said company shall be payable by instalments of not more than five dollars on each share, and at intervals of not less than sixty days, under such regulations as may be prescribed by the by-laws. Public notice of the time of payment of each instalment shall be given at least sixty days before. In case any instalment, on any share, shall remain unpaid for the space of ninety days, after the time appointed for payment thereof, such share shall be liable to forfeiture, and the company may declare, at their option, the same forfeited and vested in the company; but such forfeiture shall be deemed to discharge the defaulting stockholder from the obligation to pay the amount remaining unpaid on the forfeited share. The shares of the capital stock of said company shall be personal property, and shall be assignable and transferable in such manner, and under such regulations as may be prescribed by the by-laws.

Stock assignable.

X. The President and Directors of the said company shall have authority to carry into execution all the powers hereby granted to the company, subject to such limitations and restrictions as may be imposed by the by-laws. That there shall be at least one meeting of the stockholders annually, at such time as may be appointed by the by-laws, at which the President and Directors shall make a report, in writing, of the affairs and condition of the company. Other meetings may be called by the President and Directors, whose duty it shall be to call a meeting of the company whenever it is demanded, in writing, by fifty stockholders, having among them six hundred shares or more. It shall be lawful for the stockholders at any meeting to remove the President and Directors, or any of them, from office, and to elect others in their stead.

A. D. 1861.

Powers granted to be executed by President and Directors.

Meetings, annual and others.

XI. The following officers and persons, while in the actual employment of the said company, shall be exempt from the performance of ordinary militia duty, and from service on juries, that is to say: The President and Superintendent, the Secretary and Treasurer, the guards stationed on the road to protect it from injury, (not exceeding one white man to every five miles,) and such persons as may be actually employed in working the locomotives, and traveling with the trains, not exceeding one white engineer and his white assistant to each engine, one white person to each passenger car, and to every five cars for the transportation of freight.

Officers exempt from militia and jury duty.

XII. This Act shall be in force for the term of fifty years from the ratification thereof, and shall be deemed a public Act: *Provided*, That the work, for the execution whereof the said company is incorporated, shall be commenced within four years from the first day of January next.

Of force for fifty years.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE VILLAGE OF NINETY-SIX. No. 4538.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons, having resided twelve months in the village of Ninety-Six, in the District of Abbeville, are hereby declared to be a body politic and corporate, by the name and style of "The Village of Ninety-Six," and its corporate limits shall extend one mile in each and every direction from the Ninety-Six Depot, on the Greenville and Columbia Railroad.

Name and style.

II. That the said village shall be governed by an Intendant and four Wardens, who shall be elected on the second Monday in February next, and on the same day in every year thereafter, ten days' notice being previously given; and all free white male inhabitants

Intendant and Wardens, time of election of.

A. D. 1861.

Eligibility.

Voters.

Election, time,
place, and
manner of.Oath to be
taken.Refusal to
serve, penalty
for.Vacancies,
how filled.Intendant and
Wardens, pow-
ers of Magis-
trates vested
in.

Quorum.

Corporate
powers.

within the said corporate limits, who are qualified, under the Constitution of this State, to vote for members of the Legislature, and who have resided and owned a freehold therein for twelve months immediately preceding the election, shall be eligible to the office of Intendant or Warden; and all free white male inhabitants who are qualified to vote for members of the Legislature, and who shall have resided within the limits of the corporation for six months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

III. The election of Intendant and Wardens of the said village shall be held at some convenient public place therein, from ten o'clock in the morning until two o'clock in the afternoon; and when the polls are closed the Managers shall forthwith count the votes, declare the election, and give notice in writing to the persons elected. It shall be the duty of the Clerk of the Court for Abbeville District to give the legal notice and appoint the Managers for the first election; and the Intendant and Wardens for the time being, who shall be known as the "Town Council of Ninety-Six," shall give the legal notice, and appoint three persons to manage each subsequent election, who shall manage and declare the same as herein provided for the first election. The Managers shall, before they open the polls for any such election, take an oath fairly and impartially to conduct the same; and the Intendant and Wardens, before entering on the duties of their offices, shall take the oath prescribed by the Constitution of the State, and also the following oath, to wit: "As Intendant (or Warden) of Ninety-Six, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and good order, and carry into effect, according to law, the purposes for which I have been appointed: So help me God." And if any person elected Intendant or Warden shall refuse to serve as such, he shall forfeit and pay to the Town Council of Ninety-Six the sum of twenty dollars, for the use of said village: *Provided*, That no person shall be compelled to serve more than one year in any term of three years.

IV. In case a vacancy should occur in the office of Intendant or Warden, by death, resignation or otherwise, an election to fill such vacancy shall be held, by the appointment of the remaining members of the Town Council, ten days' previous notice having been given; and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall have power to elect one of their number Intendant *pro tem*.

V. The said Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, upon taking the oath prescribed by law for Magistrates, be vested with all the powers of Magistrates within the limits of said village, except for the trial of small and mean causes; and the Intendant shall, as often as he may deem necessary, summon the Wardens to meet in Council, any three of whom shall constitute a quorum to transact business, and shall be known by the name of the "Town Council of Ninety-Six," as aforesaid, and they and their successors in office may have and use a common seal, which shall be affixed to all their ordinances; and by their said corporate name may sue and

be sued, plead and be impleaded, in any court of law or equity in this State. The said Town Council shall have full power, under its corporate seal, to make all such rules, by-laws and ordinances, respecting the streets, markets and police of said village, as shall appear to them necessary and requisite for the security, welfare, good government and convenience of the same, and for preserving the health, peace and good order thereof; and the said Council may impose fines for offenses against their by-laws and ordinances, and appropriate the same to the public uses of the corporation; but no fine above the sum of twenty dollars shall be collected by said Council, except by suit in the Court of Common Pleas for Abbeville District: *Provided*, That no fine exceeding fifty dollars shall be imposed, and that nothing herein contained shall authorize the said Council to make any by-laws inconsistent with, or repugnant to, the laws of this State.

A. D. 1861.

VI. That the power and duty of organizing, superintending and regulating the patrol in the said village be, and the same is hereby, transferred to the said Council, and for that purpose the said Council is vested with the powers, in that respect, exercised by the beat companies and courts martial, and severally and collectively the members of the said Council are made subject to like penalties for neglect of duty: *Provided*, No ordinance shall diminish the quantity of duty, or reduce the fines for neglect of duty, which is now, or hereafter may be, provided by law.

Patrol, power
to regulate.

VII. That the Intendant and Wardens shall have full and only power of granting licenses for billiard tables, to keep tavern, or retail spirituous liquors within the said limits, which licenses shall be granted in the same manner and upon the same conditions as they now are, or may hereafter be, granted by Commissioners of Roads under the laws of this State; and all the powers vested in the Commissioners of Roads are hereby granted to the said Intendant and Wardens, within the said limits; and all moneys paid for licenses, and for fines and forfeitures, for retailing spirituous liquors, keeping taverns and billiard tables, within the said limits, without licenses, shall be appropriated to the public uses of the said corporation.

Licenses.

VIII. That it shall be the duty of the said Intendant and Wardens to keep all streets within their corporate limits in good repair, and for that purpose they are invested with all the powers granted to Commissioners of Roads, and for neglect of duty therein, they shall be liable to the same penalties as are imposed on Commissioners of Roads. The Intendant and Wardens shall have power to compound with all persons liable to work on said roads, ways and streets, to release persons from road duty upon the payment of such sums as the said Intendant and Wardens may deem a fair equivalent therefor, to be applied by them to the use of said corporation; and no person residing within the said limits shall be liable to work on any road without the said limits.

Streets and
ways.

IX. The Intendant and Wardens shall have power to appoint Marshals, who shall be duly sworn in, and who shall, upon taking the oath prescribed by law for Constables, be invested with all the powers Constables now have by law, and whose jurisdiction and authority shall be confined within the limits of said village.

Marshals.

X. That for any wilful violation or neglect of duty, malpractice,

A. D. 1861.
 Indictment, Intendant and Wardens liable to.
 abuse or oppression, the said Intendant and Wardens, severally, shall be liable to indictment, and, upon conviction, to be fined at the discretion of the court, not exceeding one hundred dollars, and removal from office, besides being liable for damages to any person injured.

XI. This Act shall be taken and deemed to be a public Act, and shall continue of force for twenty-one years, and until the end of the session of the Legislature then next following.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4539. AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL MAGISTRATE FOR THE TOWN OF SUMMERVILLE, AND AN ADDITIONAL MAGISTRATE FOR LEXINGTON DISTRICT.

Magistrate, special for Summerville.
 I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a special Magistrate be, and is hereby, authorized to be appointed, by resolution of the General Assembly, for the town of Summerville, whose jurisdiction shall extend throughout the corporate limits of said town, and whose powers, duties, liabilities and tenure of office shall be the same as now pertain by law to the office of Magistrate.

Magistrate, additional for Lexington.
 II. *And be it further enacted* by the authority aforesaid, That an additional Magistrate for Beat Number One, of Upper Battalion, Fifteenth Regiment, in Lexington District, be appointed, and that U. X. Gunter be appointed such Magistrate, with all the powers, rights and privileges now pertaining to such officers.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4540. AN ACT TO AMEND THE CHARTER OF THE LAURENS RAILROAD COMPANY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter heretofore granted to the Laurens Railroad

Company be so amended as to authorize and empower the President and four Directors to constitute a quorum for the transaction of business.

A. D. 1861.
Change of quorum.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED. No. 4541.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white persons, having resided six months in the village of Manning, in Clarendon District, are hereby declared to be a body politic and corporate, by the name and style of "Manning," and the corporate limits of said village shall extend one-half of a mile in the direction of the cardinal points of the compass, from the court house, now standing in said village, as a centre, and form a square.

Manning.

II. The corporation shall have all the powers, and be subject to all the restrictions and liabilities conferred and imposed on the corporation created by an Act entitled "An Act to incorporate the village of Cokesbury," ratified the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, except that the first election for Intendant and Wardens of "Manning" shall be held on the second Monday in February next, and on the same day in every year thereafter.

Corporate powers, same as Cokesbury.

III That the charter of the town of Camden be, and the same is hereby, so amended as to authorize and empower the Town Council of said Town to impose a tax upon all real estate within the corporate limits thereof, not exceeding one-half of one per centum per annum on the value of such real estate, instead of the rate now limited by law, and also to impose such increased tax upon all taxable property within the said town as the said Town Council may deem expedient: *Provided*, The same shall not exceed the amount of taxes levied upon such property, by the Legislature of this State, for the year preceding the year in which such tax may be imposed by said Town Council.

Camden.

IV. That the charter of the town of Blackville be, and the same is hereby, amended so that the Town Council of said town shall not have power to impose any tax upon any real estate within its corporate limits, which is not laid off in town lots, or which is used or reserved for agricultural or stock-ranging purposes, and shall have no power to impose any tax upon any slave employed exclusively in agriculture.

Blackville.

A. D. 1861.

Cheraw.

V. That the charter of the town of Cheraw be, and the same is hereby, so amended as to extend the corporate limits of said town, by continuing the eastern line of Front street from the point where it intersects the northern line of said town, in its present course, to a point where it would intersect the western line of Second street, continued in its present course, thence down said western line of Second street to the point where it intersects the northern line of North street, thence along said northern line of North street, in its present course, to a point where it intersects the western line of the public road leading from Cheraw to Chesterfield Court House, thence down said western line of said public road to a point where it intersects the southern line of Market street, continued in its present course, thence along said southern line of Market street to the point where it intersects the present western line of said town.

Orangeburg.

VI. That the Town Council of Orangeburg shall have power to levy and collect a tax on any real property which shall be liable to a public tax within the corporate limits of the town of Orangeburg, upon all carriages, buggies and horses, (save and excepting those horses used for agricultural and military purposes,) upon all billiard tables and nine or ten pin alleys, or bowling saloons, for the purpose of paying the debts and contracts which may be made and entered into by said Town Council for the benefit of said town of Orangeburg; which said taxes shall be collected by such person as the said Town Council of Orangeburg shall see fit to designate and appoint for such purpose; and such person so appointed shall have power and authority to enforce the collection of said taxes in as full and ample a manner, and by the same means as the Tax Collectors of the several Districts and Parishes of this State now have for enforcing the collection of taxes by them authorized by law to be collected, and shall be subject to all the pains and penalties for neglecting or refusing to pay over the same to the Treasurer when required as are by law imposed upon the Tax Collectors in the Districts and Parishes in this State for similar neglects of duty.

Spartanburg.

VII. That the charter of the town of Spartanburg be, and the same is hereby, renewed for the term of fourteen years, and until the end of the session of the Legislature then next ensuing, with all the rights and powers heretofore granted, subject to the amendment in "An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted," ratified on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine.

Abbeville.

VIII. That the Town Council of Abbeville be, and they are hereby, authorized and empowered to impose an annual tax, not to exceed the rates per centum, or sums hereinafter specified, upon the following property, and after the following manner, for the use of the said town, that is to say: Twenty cents on every hundred dollars of the cash value of all real estate lying within the corporate limits of said town, (the real estate of churches and school associations excepted,) which valuation shall be ascertained and fixed by three appraisers, to be appointed by the Town Council for the time being, whose duty it shall be to make a return of such valuation within thirty days after their appointment to the Town Council, under oath and in writing, showing the names of all persons own-

A. D. 1861.

ing real estate in the corporate limits of said town, and the cash value of the real estate of each owner: *Provided*, That if the owner of any real estate shall consider himself or herself aggrieved by such valuation, he or she shall have the right to appeal to a special jury of five freeholders, to be drawn by ballot from the list of freeholders resident within said corporation, to whom the matter shall be submitted, and whose decision shall be final. That the Appraisers appointed by the Town Council, upon making their return, shall receive a reasonable compensation, to be fixed by the Town Council, for the time being, and in case any Appraiser so appointed shall refuse or neglect to act, and to make return as herein provided, he may be fined, at the discretion of the Council, not exceeding twenty dollars.

IX. That the said Town Council, for the time being, may levy and collect a tax, not exceeding fifty cents on each negro between the ages of sixteen and fifty years, not including those subject to road duty; five dollars on each free negro between the ages of sixteen and sixty years, unless it shall be shown, to the satisfaction of the Council, that any such free negro, from maims or other causes, is unable to procure his or her livelihood; three dollars on every pleasure carriage in use, drawn by two or more horses; two dollars on every buggy, gig, sulky, barouche and other like vehicle drawn by one horse; five dollars on every omnibus, hack or carriage, drawn by two or more horses, and used for hire; three dollars on every buggy, gig, sulky, barouche and other like vehicle, drawn by one horse, and used for hire; five dollars on every four horse wagon used for hire; three dollars on every two horse wagon, dray or cart, used for hire; five cents on every hundred dollars of the sales of all merchandise, between the first day of January in any one year, and the first day of January in the next succeeding year; fifteen cents on every hundred dollars of professional income, including the income of lawyers, physicians and dentists; ten cents on every hundred dollars of income arising from any mechanical employment; five dollars on every daguerreotypist, ambrotypist or other person practising a like art or profession, who may open a car or room within the said corporation; fifty cents on each dog; five per centum on the value of all sales made at auction by transient persons; five per centum on the value of all sales of shoes, medicines, leather, hats, tobacco, books, and such like articles, sold upon the public square or within the corporate limits of the said town: *Provided*, The same have not been manufactured in the District, with power to the said Town Council to collect the said five per centum at any time after such sales, and before such person shall leave the limits of the corporation, and also to impose a tax, within their discretion, upon all shows or exhibitions for gain or reward.

Taxation, subjects of.

X. That returns of the value of the sales of all merchandise, and also the amount of professional and mechanical income, reckoning from January to January, and all other property, except real estate, made subject to taxes under the provisions of this Act, shall be made under oath to the Town Council, and the tax which may be imposed thereon shall be paid on or before the first of March in each succeeding year: *Provided*, That the said Council may levy

Returns, to be under oath.

A. D. 1861.

and collect a tax, as herein provided, for the year ending the thirty-first of December, one thousand eight hundred and sixty.

Patrol duty,
commutation
for.

XI. That the Town Council shall have power to compound with all persons liable to patrol duty, by requiring the payment of an annual sum of money in lieu of the performance of said duty, the money so received to be applied to the public use of said corporation; and all persons failing or refusing to pay such commutation, shall be liable to such fines and penalties as the Town Council may impose.

Marshals, pow-
er to appoint.

XII. That the said Town Council shall have power to elect one or more Marshals, to fix their salaries and prescribe their duties; the said Marshals to be duly sworn in and invested with all the powers Constables now have by law, in addition to the duties prescribed by the Town Council, and whose jurisdiction and authority shall be confined to the corporate limits of said town.

Defaulters,
proceedings
against.

XIII. That the said Town Council shall have power to enforce the payment of all taxes and assessments levied under the authority of this Act against the property and persons of defaulters, to the same extent and in the same manner as is provided by law for the collection of the general tax, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal, or other person especially appointed by the Town Council to collect the same; the money so collected to be applied to the public uses of the said corporation; and all property upon which a tax may be levied and assessed is hereby declared and made liable for the payment thereof, in preference to other debts due by the person owning the property at the time of the assessment, except debts due to the State, which shall be paid first, and that the said Town Council shall file in the office of the Clerk of the District a full exhibit of their receipts and expenditures at least one week before the annual election for Intendant and Wardens.

Compensation
to Collector
and Disburser.

XIV. That the Intendant, or other person appointed to collect and disburse the tax which may be imposed under this Act, shall receive, as commissions, a sum not exceeding five per cent. on the whole amount collected.

Lexington,
corporators of.

XV. That all persons, citizens of the State, now owning dwelling houses in the village of Lexington, and those who may hereafter own dwelling houses therein, or occupying, under lease, a dwelling house, shall be deemed, and are hereby declared, a body politic and corporate; and that the said village shall be known by the name of "Lexington," and the corporate limits of said village shall extend one-half of a mile in all directions from the public square.

Powers, same
as conferred on
Barnwell.

XVI. The said corporation of Lexington shall have all the powers and be subject to all the restrictions and liabilities conferred and imposed on the corporation created by an Act entitled "An Act to incorporate the village of Barnwell," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, except that the first election of Intendant and Wardens of "Lexington" shall be held on the second Monday of February next, and on the same day in every year thereafter; excepting, further, that the Intendant and Wardens, in Council, shall have power

to tax all plays and shows allowed in said village, and apply the funds so arising to the benefit of said corporation.

A. D. 1861.

XVII. That the charter of the town of Beaufort be, and the same is hereby, renewed and extended for the period of fourteen years.

Beaufort.

XVIII. That the Town Council of Yorkville shall have power to impose an annual tax on all stocks owned by any citizen of said town, either in his or her own right, or in trust for another, (rail and plank road stocks excepted,) and also on the value of all stock in trade, not exceeding ten cents on each hundred dollars of the value of the same; also, a tax on all pleasure carriages, drawn by two or more horses, not exceeding three dollars each; on all carriages, buggies, rockaways and other vehicles, drawn by one horse, and kept for pleasure, not exceeding two dollars each; on all dogs kept within the corporate limits of said town, not exceeding two dollars each, to be paid by the person occupying the lot upon which such dog or dogs may be kept; on all slaves kept within the limits of said town, between the ages of sixteen and fifty years, not exceeding twenty-five cents each; and the said Town Council shall have power to enforce the payment of such taxes by like process as is provided by law for the collection of the general State taxes.

Yorkville,
power to im-
pose taxes.

XIX. That the Town Council of Yorkville shall have power to make contracts for lighting the streets of said town with gas, either by subscribing to the stock of any partnership or corporation organized for such purpose, or otherwise, and to make payment for the same out of any moneys belonging to the corporation.

Lighting
streets.

XX. That the Town Council of Yorkville be, and is hereby, authorized to use the jail of York District for the confinement of all persons they may be authorized by law to commit: *Provided*, That all costs and expenses incurred thereby shall be paid by the said Town Council.

Jail, author-
ity to use.

XXI. That it shall be lawful for the Town Council of Yorkville to bring to trial, forthwith, any offender against their ordinances who may be a transient person, and who may be suspected of an intention to go beyond the limits of the town so as thereby to escape the process of said Council, unless such person shall give satisfactory surety for his appearance at a future day, and to enforce their judgment by the same process as is provided by law in other cases.

Trial, sum-
mary in cer-
tain cases.

XXII. That in all cases where the said Town Council of Yorkville is now authorized by law to impose any fines or forfeitures for the violation of their ordinances, or for exhibiting any plays or shows without license, and to issue process for the collection of the same, they shall have power, where it is not otherwise provided, to tax and collect off of the offender the same costs as are allowed by law on like process issued by a Magistrate, or from the Court of Common Pleas, as the case may be; and any person who shall exhibit any plays or shows within the limits of said town, without having first obtained a license, shall be liable to pay a double tax, in the discretion of the Council.

Costs to be
exactd.

XXIII. That this Act shall continue of force for fourteen years,

A. D. 1861. and until the end of the session of the Legislature then next ensuing.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4542. AN ACT TO ALTER THE LAW IN RELATION TO FISH SLUICES IN BROAD RIVER.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several Boards of Commissioners of Fish Sluices for Broad River be, and they are hereby, authorized and requested to designate the sluices on the said river to be one hundred feet wide, instead of sixty feet, as heretofore required by law.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4543. AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That "that portion of the Orangeburg and Burton Ferry Road, leading from the Erwinton and Barnwell Road to the Augusta and Savannah Road," a distance of two and three-fourths of a mile, be closed and discontinued as a public road.

II. That the "Posted Road from Moses Dean's to Varennes, in Anderson District, shall be opened and re-established as a public road, and that the Commissioners of Roads of said District do cause the said road to be opened, re-established, and worked on according to law.

III. That the twenty-fourth Section of an Act entitled "An Act to establish certain roads, bridges and ferries, and to renew and amend certain charters heretofore granted," ratified on twenty-second day of December, one thousand eight hundred and fifty-nine, be, and the same is hereby, repealed, and that the law respect-

Orangeburg
and Burton
Ferry.

Posted Road,
Anderson.

Toll-gate re-
moved, Saint
James', Goose
Creek.

ing the said road, as it was prior to the Act of one thousand eight hundred and fifty-nine, be restored and re-enacted.

IV. That Elias Chandler, John B. McMillan, Evanly Kirley, Jacob Keels and W. D. Tomlinson, be, and are hereby, appointed Commissioners to lay off a new road in Sumter District, commencing at or near John B. McMillan's house, on the Charleston road, and running by J. C. C. Tomlinson and W. G. Frierson and R. J. Welch, to intersect the Pudding Swamp road at or near Daniel Chandlers. That the Commissioners of Roads of said District do cause the said road to be opened and cut out and worked on, which is from that time hereby declared to be a public road, to be kept in order as other public roads.

A. D. 1861.

New road,
Sumter.

V. That the Commissioners of Roads shall not hereafter grant licenses to retail spirituous liquors to any one whose petition is not recommended in writing by two substantial freeholders, who are then resident in the vicinity of the place where the said applicant proposes to retail liquors.

Licenses, re-
striction on
Commissioners
of Roads in
granting.

VI. That an old road, lying in the Parish of St. John's Berkley, and known as the "Monck's Corner or Black Tom Bay Road," about four miles long, be re-opened by the Commissioners of Roads of St. John's Berkley Parish, and is hereby declared to be a public road; said road to commence at the Parish line of St. James' Goose Creek, and to intersect the new road to Monck's Corner Depot, granted in eighteen hundred and fifty-seven.

Old road re-
opened.

VII. That a new road in Newberry District, leading from Wise's Ferry, on Saluda River, by the late residence of Frederick Boozer, deceased, thence by Honorias Sheppard's and by Allan Hawkins', to intersect the Bush River road, at or near St. Luke's Church, be, and the same is hereby, established as a public road: *Provided, however,* That the present owner or owners of the land of the said Frederick Boozer, deceased, their heirs and assigns, shall, during the pleasure of the General Assembly, be authorized to keep across said road a gate, where the said Frederick Boozer was authorized, by an Act of this General Assembly, passed on the twenty-second day of December, in the year of our Lord on thousand eight hundred and and fifty-nine, to erect and keep a gate, as long as the same shall be kept in good repair; and the Commissioners of Roads of Newberry District are hereby directed to lay out and open the said road, and work the same as other public roads.

New road,
Newberry.

VIII. That A. M. Dicks, Thomas L. Miller, Angus P. Brown, T. M. Clark, J. H. Lamar and Dr. — Bradford, be, and are hereby, appointed Commissioners to lay out a new road in Edgefield District, from the present public bridge across Horse Creek, in the most direct and suitable route to or near Downer's Red House, on Beach Island; that the said road be made, opened, located and put in perfect order at the cost and expense of the parties interested therein, under the supervision of the said Commissioners, and when approved of and received by them, shall be, and hereby is, established as a public road, and turned over to the Commissioners of Roads of that division in which said new road is so laid out: *Provided,* That said road shall be finished, approved and received by the first day of January, one thousand eight hundred and sixty-two; and, if not so approved and received by that time, then

New road,
Edgefield.

A. D. 1861.

this Section shall be null and void: *And provided, further,* That the consent of the land owners, through whose land said road shall pass, be obtained without any claim for damages.

Haul Over Cut,
a highway.

IX. That Haul Over Cut, in South Wimbee Creek, connecting Coosan and Bull Rivers, in Prince William's Parish, be, and is hereby declared to be, a public highway; that T. H. Spann is hereby appointed Commissioner of and for said cut, to continue in office until the next appointment by the General Assembly of Commissioners of Roads for the said Parish, and the said Lower Board of Commissioners of Roads of the said Parish, at their next meeting, are hereby authorized and required to assign to the said T. H. Spann as many hands of the road division, in which the said cut is situated, as in the judgment of the said Board are sufficient for the purpose of widening the said cut two feet, and deepening the same one foot and a half, and for keeping the same in order.

Old road re-
opened.

X. That the Commissioners of Roads of the Upper Board of St. Peter's Parish, do cause the old road, leading from the Charleston and Augusta road, in Prince William's Parish, to Matthew's Bluff, on the Savannah River, in St. Peter's Parish, to be re-opened as a public highway, in the same situation as before eighteen hundred and fifty-nine; and the said road is hereby declared to be a public highway, and that the new road laid out by the said Commissioners, to avoid the said old road be, and is hereby, discontinued as a public highway.

Swamp road
discontinued.

XI. That the Commissioners of Roads for St. Stephen's Parish be, and they are hereby, authorized to discontinue the "Swamp Road" in said Parish, otherwise known as road number two.

Old Wing
Road reopened

XII. That the Commissioners for St. Stephen's Parish are hereby authorized and directed to re-open the "Old Wing" road in said Parish, in the neighborhood of Laurel Hill, to the Church road; the said road to pass through Gravel Hill, the plantation of J. J. Williams: *Provided,* The consent of the owner be had thereto.

New road, St.
Stephen's.

XIII. That the Commissioners of Roads for St. Stephen's Parish be, and they are hereby, authorized to open a new road from Bonneau's Depot, on the Northeastern Railroad, to the old Church road: *Provided,* That no compensation be claimed by, or allowed to, owners through whose lands the said road may be located, as damages.

New road,
Sumter.

XIV. That a new road in Sumter District be, and is hereby, established as a public road, leading from the Wells road to the Lowry road, leaving the Wells road at the residence of R. J. Anderson, and running from there by Boiles' Steam Mill, crossing the Wilmington and Manchester Railroad, and intersecting the Lowry road near the residence of Mrs. Rhody Gibbes, about three miles long: *Provided, however,* That the land owners through whose lands the said road will pass shall put the said road in good traveling condition, and the same shall be received by the Commissioners, and then turned over to the Commissioners of Roads of Sumter District: *Provided, however,* That the consent of the land owners (without compensation for damages) through whose lands the said road shall pass be first obtained: *And provided, further,* That said land owners shall put the same in good condition, to be judged of by the Commissioners of Roads for Sumter District, and

when by said Commissioners approved, the same shall by them be received as a public highway.

A. D. 1861.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CHARLESTON CITY RAILWAY COMPANY OF SOUTH CAROLINA. No. 4544.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joshua Lazarus, John S. Riggs, David Riker, Thomas J. Wharton and Henry Buist, and all those persons who may become members of the Charleston City Railway Company of South Carolina, be, and the same are hereby, declared a body politic and corporate, under the style and name of the Charleston City Railway Company of South Carolina, and by that title shall have power to take, subscribe and raise a capital stock to the amount of two hundred thousand dollars, in shares of fifty dollars each, if so much be necessary for the purposes contemplated, with power to increase the said capital to the further sum of three hundred thousand dollars, if found necessary: *Provided*, That such increase be assented to by a majority in number of the stockholders, who shall be notified, in two of the public papers of the city of Charleston, of a meeting to be held for that purpose.

Corporators.

Capital stock.

II. That the said Charleston City Railway Company shall have power and authority, subject, as is hereinafter provided, to the ordinances, authority and supervision of the City Council of Charleston relative thereto, to lay railway tracks through and along the streets within the corporate limits of the city of Charleston, and to use and employ upon such railway tracks sufficient and suitable carriages or cars, to be drawn by horses or animal power, for the transportation of passengers and freight, upon such rates as shall be fixed by the said company and approved by the said City Council, and for this purpose shall have all the authority and power necessary to carry the same into effect.

Railway tracks, power to lay.

III. That the said Charleston City Railway Company of South Carolina shall be able and capable, by its corporate name, to buy property and to sell, for the purpose of its business, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in any court of law or equity in this State, to have succession of officers and members, and shall have power to make by-laws, not repugnant to the laws of the land, for the government and good order of its members, as shall be deemed expedient by a majority of the stockholders, and to have a common seal, and to alter and make new the same.

Property, power to hold.

A. D. 1861.

Corporate ex-
istence.Plans for, to
be submitted
to city autho-
rities.

IV. That this Act shall remain in force and continue for the term of twenty-one years, and from thence until the expiration of the next session of the Legislature, and no longer.

V. That the said City Railway Company, before laying any railway tracks for the purpose of running cars thereon, in any street or streets in the city of Charleston, shall fully and formally submit their plan or plans, designating the street or streets on which they purpose to construct a railway, to the municipal authorities of said city, for their approval, and that all their works, along and through the streets of said city, be under the authority, supervision and arrangement of the corporate authorities of the city of Charleston, subject to such provisions, contracts, ordinances and restrictions as they may deem advisable for the general welfare and due protection of public and private rights, as also for the protection of the property and rights of said company.

Bonds, com-
pany may issue,

VI. That the said City Railway Company shall have power and authority to issue bonds, to an amount not exceeding fifty thousand dollars, the same to be redeemable at such time, not exceeding twenty years, as may be agreed upon by the said company, and to bear interest at the rate of seven per cent. per annum, payable semi-annually.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4545. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO REQUIRE AND REGULATE THE GRANTING OF LICENSES TO ITINERANT SALESMEN AND TRAVELING AGENTS."

A. A. 1859, re-
pealed.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to require and regulate the granting of licenses to itinerant salesmen and travelling agents," ratified on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, be, and the same is hereby, repealed.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO VEST IN CERTAIN PERSONS ALL THE RIGHT, TITLE AND INTEREST OF THE STATE, BY ESCHEAT, IN AND TO CERTAIN PROPERTY.

A. D. 1861.

No. 4546.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State, in and to the estate, real and personal, of Samuel P. Frederick, deceased, be, and the same are hereby, vested in Mildred E. Shandley, Harriett E. Shandley and Ann C. Reese, the wife of Edward F. Reese, as tenants in common, their heirs and assigns, forever: *Provided*, That before such title shall vest in said persons, the debts and liabilities of the said Samuel P. Frederick shall be fully paid and satisfied.

Shandley and Reese, escheated property invested in.

II. That all the right, title and interest of the State in and to certain lots in the town of Cheraw, numbered sixty-four and sixty-five and sixty-six, in the plan of said town, purchased by and conveyed to Elizabeth Graham, be, and the same are hereby, vested in the said Elizabeth Graham, her heirs and assigns, forever, upon her complying with the fifth clause of the Ordinance of the Convention, dated the first January, one thousand eight hundred and sixty-one, entitled "An Ordinance concerning Citizenship."

Graham, Elizabeth, property vested in.

III. That all the right title and interest of the State in and to a certain house and lot in the city of Charleston, lying on Line Street, bounded east by lands of Thomas Kingdom, P. B. Mathews and Charles R. Brewster, south by Line Street, west by lot number seven, belonging to John Neman, and north by lands belonging to George Neman, purchased by and conveyed to John Holly, now deceased, be, and the same are hereby, vested in Meena Holley, the widow of said John Holley, her heirs and assigns, forever, upon her complying with the fifth clause of the Ordinance of the Convention, dated first day of January, one thousand eight hundred and sixty-one, entitled "An Ordinance concerning Citizenship."

Holley, Meena, property vested in.

IV. That all the right, title and interest of the State in and to certain property of which Winney Martin, a person of color, late of Fairfield District, died possessed, be, and the same is hereby, vested in John McNaull, his heirs, executors, administrators and assigns.

McNaull, J., property vested in.

V. That all the right, title and interest of the State in and to a certain house and lot in the town of Camden, held by Sarah Howell, now deceased, and all other estate, real and personal, of which the said Sarah Howell may have died seized and possessed, be, and the same are hereby, vested in Elizabeth Howell during the term of her natural life, and at her death in Nancy Howell, her heirs and assigns, which Nancy Howell is the daughter of the said Elizabeth Howell.

Howell, Elizabeth and Nancy, property vested in.

VI. That all the right, title and interest of the State in and to the estate, real and personal, of which Jane C. Brown, late of Anderson District, died seized and possessed, be, and the same are hereby, vested in William P. Brown, Martha A. Brown and Elvira Brown, their heirs and assigns, as tenants in common.

Brown, W. P., M. A. and E., property vested in.

VII. That all the right, title and interest of the State in and to the tract of land in Edgefield District, containing five hundred and four acres, more or less, of which Bartlett W. Hatcher was possessed at the time of his death, be, and the same are hereby, vested in

Hatcher, Temperance, property vested in.

A. D. 1861.

Temperance Hatcher, widow of said Bartlett W. Hatcher, and her children, their heirs and assigns, as tenants in common: *Provided*, That the said Temperance Hatcher and her children, or some of them, pay to Benjamin F. Landrum the sum of three hundred dollars, with interest from the first of January, one thousand eight hundred and fifty-one, on or before the first day of July next, or else this grant to be null and void.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4547. AN ACT TO AID IN THE CONSTRUCTION OF THE GEORGETOWN RAILROAD.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever the Georgetown Railroad Company shall have procured *bona fide* subscriptions for the capital stock in said company to an amount sufficient to grade, bridge and prepare for the iron rails twenty miles of the said road, and it shall be shown by said company to the Governor of the State that the said subscriptions are good and solvent, and whenever said company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of rails, and fully prepared a section of twenty miles of said road, in a good and substantial manner, with good materials for putting on the iron rails and equipments, and the Governor shall be notified of these facts, and that said section, or any part thereof, is not subject to any lien whatsoever, other than that created in favor of the State by this Act, by the written affidavits of the President and Chief Engineer of said company, then the Governor shall cause to be endorsed by the Comptroller General, upon the bonds of the said company, to an amount not exceeding four thousand dollars per mile of said section, the guarantee of the State of South Carolina, pledging therefor the faith and funds of the State, which bonds shall be payable at such place in the United States as the President of the company may designate, bearing an interest of six per centum per annum, payable semi-annually, and not having more than twenty years to mature.

II. That the bonds endorsed, as aforesaid, shall not be used by said company for any other purposes than for procuring the iron rails, chairs, spikes and equipments for said section of said road, and for putting down said iron rails, and the Governor shall not cause the same to be endorsed unless upon the affidavit of said President and a resolution of the majority of the Board of Direc-

Bonds of, to
be endorsed by
State.

Endorsed
bonds, limita-
tion upon use
of.

tors for the time being, that said bonds shall not be used for any other purpose than for procuring the said iron rails, chairs, spikes and equipments for said section, and for putting down said iron rails.

A. D. 1861.

III. That as soon as any such bonds shall have been endorsed as aforesaid for the first section of the road as aforesaid they shall constitute a lien upon said section so prepared as aforesaid, including the road bed, right of way, grading, bridges and masonry, upon all the stock subscribed for in said company, and upon said iron rails, chairs, spikes and equipments when purchased and delivered; and the State of South Carolina, upon the endorsing of said bonds, and by virtue of the same, shall be invested with said lien or mortgage, without a deed from the company, for the payment by said company of said bonds, with the interest thereon, as the same becomes due.

Bonds to constitute lien on road.

IV. That when the said company shall have prepared, as aforesaid, a second section, or any additional number of sections, of twenty miles each, of said road, connecting with the section already completed, for the iron rails, chairs, spikes and equipments, as provided in the first Section of this Act, and the Governor shall be notified of the facts, as before provided, he shall, in like manner, cause to be endorsed for said company like bonds of the said company to an amount not exceeding four thousand dollars per mile for each and every section of twenty miles of said road so prepared as aforesaid, but upon the terms and conditions hereinbefore provided; and upon the endorsing of the said bonds the State of South Carolina shall be invested with a like mortgage or lien without a deed from said company, upon said stock and upon said first and additional section or sections of said road so prepared, upon the rails and equipments, put or to be put upon the same, for the payment of said bonds and the accruing interest thereon: *Provided*, That if the last section of said road shall be less than twenty miles, bonds of the said company shall be endorsed as aforesaid, for such section, for an amount in proportion to the distance, as provided in this Act, but upon the same terms and conditions, in all respects, as required in regard to the bonds to be issued for the other sections of said road. And when the whole of said road shall be completed the State of South Carolina shall be invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, grading, bridges, masonry, iron rails, spikes, chairs, and the whole superstructure and equipments, and all the property owned by the company, as incident to or necessary for its business, for the payment of all of said bonds, endorsed as aforesaid, as provided in this Act, and for the interest accruing on said bonds. And after the Governor shall have caused bonds to be endorsed, as provided in the first Section of this Act, for the first section of the road, it shall not be lawful for said company to give, create, or convey to any person or persons, or body corporate, whatever, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with, the lien of the State herein secured; and any such lien, incumbrance or mortgage shall be null and void, as against said lien or mortgage of the State, and the said lien or mortgage of the State shall have priority over all other claims existing, or to exist, against said company.

Bonds, further endorsement of.

Mortgage, company to create no prior.

A. D. 1861.

Laws, right to
enact further,
to protect State

V. That the State expressly reserves the right to enact hereafter all such laws as may be deemed necessary to protect the interests of the State, and to secure it against any loss in consequence of the endorsing of bonds under the provisions of this Act, but in such manner as not to impair the vested rights of the stockholders of the company.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4548. AN ACT TO INCORPORATE "NINETY-SIX CHURCH."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the white communing members, for the time being, of the Presbyterian Church in Abbeville District, known as the "Ninety-Six Church," (being a Presbyterian congregation, holding the Westminster Confession of Faith, and connected with the Old School General Assembly of the Presbyterian Church of the United States of America,) be authorized to elect three Trustees, by a plurality of votes, and that the said Trustees and their successors, to be appointed as hereinafter directed, shall be, and they are hereby, created a body corporate and politic, by the name and style of "The Trustees of Ninety-Six Church," whose duty it shall be to take charge and management of the lands, buildings and other temporalities and property of said church, in trust, according to the tenor of this Act.

Trustees, elec-
tion of.

II. That so long as the said church (or any congregation to be organized in its stead from time to time, as hereinafter provided for, shall hold the same Confession of Faith, and shall not be dissolved by the superior judicatories to which it is attached and subject, nor become extinct, every vacancy which may, from time to time, occur among the said Trustees, by death, resignation or removal from the State, shall be filled by an election, to be made by the white communing members, in manner aforesaid.

Vacancies in.

III. That in case the said church (or any congregation to be organized in its stead, as in this Section is hereafter provided,) should, at any time, cease to hold the said Confession of Faith, or be dissolved, as aforesaid, or become extinct, the Trustees shall thenceforth hold and manage the said land, buildings, temporalities and property in trust for such church or congregation as may, from time to time, be afterwards duly organized at or near the present church building, according to the discipline of the Old School Presbyterian Church in the United States of America, and

Trust, prop-
erty to be held
in.

in the interim, (that is to say, while from a cessation to hold the said Confession, or from a dissolution, as aforesaid, or from extinction, the said church or any congregation organized in its stead, as aforesaid, is not authorized to fill the same,) the filling of vacancies in the members of said Trustees shall belong to such Presbytery of said denomination as shall include the site of the church buildings for the time being within its boundaries.

A. D. 1861.

IV. That the corporation hereby established be allowed to hold property, upon the trust aforesaid, to the value of three thousand dollars, exclusive of the increase, and also the increased value of said property after its acquisition by them; and that this Act remain and continue of force for and during the term of fourteen years from the ratification hereof.

Property, how much may be held.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE SHOE AND LEATHER MANUFACTURING COMPANY.

No. 4549.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William M. Martin, Charles V. Chamberlain, William M. Lawton, C. Froneberger and D. F. Fleming, and their associates and successors, are hereby made and created a body politic and corporate, by the name of the "Shoe and Leather Manufacturing Company," for the purpose of manufacturing shoes, leather, and leather goods, and for the transaction of such business as may be necessarily connected therewith, and for the erection of such tanneries, mills and other works, as may be necessary to carry on such branches of manufacture; and they shall be empowered to raise by subscription, in shares of five hundred dollars each, a capital of one hundred and fifty thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, if deemed necessary.

Corporators.

Purposes.

Capital.

II. That the said corporation may purchase and hold such real estate as may be required for the purposes of the said corporation, and may dispose of the same; and may sue and be sued in all Courts of Law and Equity; may have and use a common seal; and make such by laws, for their regulation and government, as they may see proper.

Real estate, company may hold.

III. That the said corporation shall not go into operation until fifty thousand dollars of the capital stock shall have been paid in, in gold and silver or current bank notes of this State; that the capital stock of the said company shall be deemed personal property, and be transferable upon the books of the said corporation;

Operation, limitation upon going into

A. D. 1861.

Subscription
books, who to
open.

and at the election of Directors, and all other meetings of stockholders, each share shall be entitled to one vote.

IV. That William M. Martin, William M. Lawton, Charles V. Chamberlain, C. Froneberger and D. F. Fleming, may open books and take subscriptions for the capital stock of the said company, at such places and times as they may deem expedient, and whenever such subscriptions shall amount to the sum of fifty thousand dollars, the said Commissioners shall call a meeting of the stockholders, at such time and place as they may deem expedient, ten days' notice thereof being given, by advertisement in one or more of the daily journals published in the city of Charleston, and one of Columbia, and the stockholders, at said meeting, shall proceed to organize said company by the election of a President and three Directors, who shall have power to appoint such other officers as they may deem necessary for the proper transaction of the affairs of the company; the said President and Directors to hold their offices for one year from the date of the election, and until their successors are elected.

Instalment,
amount of first.

V. That the said Commissioners shall, at the time of receiving subscriptions to the capital stock of said company, receive from each and every party so subscribing, the sum of one hundred and seventy dollars upon each and every share subscribed for, and that the residue of the amount due on each share of the capital stock of the said company shall be paid in at such times and in such instalments as the President and Directors shall prescribe; and if the proprietor of any share shall neglect for the space of thirty days to pay any instalments called for as aforesaid, the President and Directors of the said company shall have power to sell each share or shares, or a sufficiency thereof to pay all instalments then due.

Instalments,
additional.

VI. That this Act be held a public Act, and continue of force for the term of fourteen years.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4550. AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS.

Companies
incorporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who now are, or hereafter may become, members of the following Volunteer Companies, to wit: "The Calhoun Light Infantry," the Palmetto Hussars, the Carolina Light Infantry, the Palmetto Volunteers, the Brooks Cavalry, the "Darlington Guards," the "Georgetown Rifle Guards," the "Palmetto Riflemen of Anderson District," the "Palmetto Volunteers of

Charleston," the Walhalla Rifle Company, the Chester Blues, the Wee Nee Riflemen, and the "Georgetown Artillery Company," be, and the same are hereby, declared bodies politic and corporate, by the names to each of them hereinbefore respectively assigned. The said companies shall have power to acquire and hold property, both real and personal, and the same to sell and convey, to an amount not exceeding five thousand dollars each; to make all such by-laws, rules and regulations, not repugnant to the laws of the land, for the establishment, organization and government of said companies, respectively, and the transaction of the business thereof, as each may deem necessary and proper; to hold company courts martial for the trial of all infractions of the by-laws, rules and regulations of said companies; to issue process of execution for the collection of the fines imposed by such courts martial, of the same kind, and of the same force and effect, and to be executed in the same manner, as now required by law in cases of process issued by courts martial organized under the militia laws of this State, to be returned to such officer of the said company as the by-laws thereof may direct; to have succession of officers and members; to sue and be sued by their corporate names; and shall have such other rights, powers and privileges, as are incident to like bodies corporate: *Provided, however,* That nothing herein contained shall be so construed as to exempt the said companies from any military service that may be required by the laws of this State, or from answering for default of such service to any court martial of the brigade or regiment to which said companies, or either of them, may belong.

A. D. 1861.

Real and personal estate, power to hold.

By-laws.

Courts martial.

Fines, power to impose and collect.

Officers.

Liability to militia service.

II. That the charter of the "Washington Light Infantry," of Charleston, South Carolina, be, and the same is hereby, so amended, that the said corporation shall have power to acquire and hold real estate, and the same or any part thereof to sell and convey, to an amount not exceeding thirty thousand dollars, instead of the amount now allowed by law, and that all real estate held by said corporation, and used exclusively for military purposes, shall be exempt from taxation.

Real estate, increased power to hold.

III. That the charters of the "La Fayette Artillery" and "The South Carolina Jockey Club" be, and the same are hereby, revived and renewed, for the term of fourteen years, and that all acts done by the said corporations since the expiration of their charters, respectively, be, and the same are hereby, declared as good and valid as if said charters had not expired.

Revival and renewal.

IV. That all persons who now are, or hereafter may become, members of an association in Barnwell District, known as the Sherwood Jockey Club, be, and the same are hereby, declared and constituted a body politic and corporate, by the name and style of the "Sherwood Jockey Club," with all the rights, powers and privileges conferred upon "The South Carolina Jockey Club." This charter to continue of force for the term of five years.

Incorporated.

V. That the charter of the "Beaufort District Troop of Cavalry" be, and the same is hereby, revived, and extended for the term of fourteen years, with all the rights, powers and privileges heretofore granted; and, in addition thereto, the said company shall have power to hold company courts martial, to consist of its commissioned officers and orderly sergeant, for the trial of all cases of default, and

Revived and extended.

A. D. 1861.

of infraction of the constitution and by-laws of the said company, and for the trial of cases of default of the members of the said company for non-attendance at company musters; and the said courts martial shall have full power and authority to impose the same fines for non-attendance of its members at company musters, as are now imposed under the militia laws of this State for the same default; and the members of the said company are hereby exempted from trial and fine by the regimental courts martial of the regiment to which they belong, in all cases of default for non-attendance at company musters. The said company courts martial shall have full power and authority to issue process, in the nature of an execution, for the collection of all fines imposed by such company courts martial, which process shall have the same effect, and be executed in the same manner, as now required by law in cases of process issued by other courts martial, and be returned to the said company, or to such officer thereof as the process may direct; and the said fines, when collected, shall be applied by the said company courts martial to the use and for the benefit and encouragement of the said company.

Altered and amended.

VI. That the charter of the "Keowee and Tuckaseegee Turnpike Company" be, and the same is hereby, so altered and amended, as to authorize and empower the said company to extend their road from its present southern terminus, west of the Stump House Tunnel, to the town of Walhalla, in Pickens District, with the same rates of toll as now allowed by law; and, for that purpose, the said company is hereby invested with all the powers and privileges, and subjected to all the duties and liabilities, conferred and imposed upon them by an Act entitled "An Act to incorporate the Keowee and Tuskaseegee Turnpike Company," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six: *Provided*, That the citizens of Pickens District shall be forever exempt from paying any tax or toll for travelling over the said road, and also from any assessment of money or labor to construct or keep in repair the same, or any part thereof.

Turnpike company incorporated.

VII. That Elijah Hinkle, and such persons as he may associate with him, be, and they are hereby, created a body politic and corporate, by the name and style of the "Cane Creek and French Broad Turnpike Company," for the term of fourteen years, for the purpose of constructing a turnpike road from Hinkle's Mills, in Pickens District, to the line of Jackson County, North Carolina, and for that purpose the said company is hereby invested with all the powers and privileges incident to such corporations. That the said turnpike road be, and the same is hereby, vested in Elijah Hinkle and his associates, for the term of fourteen years, with the right to charge the following rates of toll: For every four or six-horse wagon and team, fifty cents; for every two-horse wagon or carriage, thirty cents; for every one-horse wagon, buggy, or other vehicle, twenty cents; for every man on horseback, ten cents; every loose horse, three cents; every head of hogs, two cents; every head of sheep, one cent; and every foot passenger, five cents.

VIII. That a new fire company, in the town of Beaufort, be, and the same is hereby, created and constituted a body politic and corporate for the term of fourteen years, by the name and style of

"The Stuart Fire Company," and is hereby invested with all the powers and privileges incident to such corporations; and, in addition thereto, said company shall have power to purchase, possess, hold and enjoy, and the same convey at will, real estate to the value of three thousand dollars.

A. D. 1861.

IX. That John Whitaker, James Dunlap, Joseph B. Kershaw, and their associates and successors, members of an association in Camden, known as "The Camden Hotel Company," are hereby declared and constituted a body politic and corporate, by the name and style of "The Camden Hotel Company." The said company shall have power to acquire and hold property, both real and personal, and the same to sell and convey, to an amount not exceeding twenty-five thousand dollars; to make all such by-laws, rules and regulations, not repugnant to the laws of the land, for the establishment, organization and government of said company. This charter to continue of force for fourteen years.

Hotel Com-
pany incorpo-
rated.

X. That the charter of Higgins' Ferry, on Saluda River, be hereby revived and extended for one year from the passage of this Act, and that the title to the same be vested in M. T. Kinard.

Ferry incor-
porated.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AND RENEW THE CHARTER OF GRACE No. 4551.
CHURCH, CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from the passage of this Act all the corporate powers, rights, privileges and property then belonging to the corporation of Grace Church, Charleston, shall be vested in the persons then acting as Vestry and Wardens of the said church; and the said Vestry and Wardens, and their successors in office, be, and they are hereby declared to be, a body corporate, in deed and in law, under the name and title of Grace Church, Charleston, and by the said name shall have succession of officers and members, and a common seal, with power to alter, change, break and make new the same as often as shall be deemed expedient; and the said corporation shall be able and capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself any estates, goods, chattels, lands or tenements, of what kind or nature soever, not exceeding the value of sixty thousand dollars, and to sell, alien or lease the same, or any part thereof, or to grant or convey any interest or right in the same, or any part thereof, as they shall think proper; and may by the said name sue

Corporate
powers vested
in Vestry and
Wardens.

A. D. 1861. and be sued, implead and be impleaded, answer and be answered unto, in any Court of this State.

Temporal powers.

II. All the temporal interests and affairs of this church shall be governed and controlled by the seven Vestrymen and two Wardens to be elected annually on Easter Monday; the election to be held by such persons as shall be appointed by the Vestry; and no person shall be eligible to the office of Warden or Vestryman unless he be a member of the congregation and contributing to the support of the church; and in case of any failure to make an election, the Vestry and Wardens then in office shall hold over until a new election.

Voters.

III. Every male worshipper in Grace Church, of full age, owning or having a pew, or part of a pew, for three months immediately previous to the election, shall be entitled to vote for the Vestry and Wardens of the church.

Assessments.

IV. The said Vestry and Wardens shall have power to make such assessments upon the pews as they shall see fit; and if any pew holder shall refuse or neglect to pay the sum at which any pew shall be assessed for more than six months after such assessment shall have been made, then it shall be lawful for the said Vestry and Wardens, or a majority of them, to let out, hire or sell the said pew, for the purpose of paying the assessment in arrear aforesaid.

Corporation, term of.

V. This Act shall be deemed a public Act, and as such shall be recognized in all judicial proceedings, and shall continue of force for the term of twenty-one years.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4552. AN ACT TO INCORPORATE THE CITIZENS' LINE RAILWAY COMPANY OF CHARLESTON, SOUTH CAROLINA.

Corporators.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Robert Douglass, Ervin H. Jackson, William J. Palmer and Daniel Mixer, and all those persons who may become members of the Citizens' Line Railway Company, of Charleston, South Carolina, be, and the same are hereby, declared a body politic and corporate, under the style and name of the Citizens' Line Railway Company of Charleston, South Carolina, and by that title shall have power to take, subscribe and raise a capital stock, to the amount of fifty thousand dollars, if so much be necessary, in shares of fifty dollars each, for the purposes contemplated, with power to increase the said capital to the further sum of one hundred thousand dollars, if found necessary: *Provided*, That such increase be assented to by a majority, in value, of the stockholders, who shall be notified, in two of the pub-

lic papers of the city of Charleston, of a meeting to be held for that purpose.

II. That the said Railway Company shall have power and authority, subject, as is hereinafter provided, to the ordinances, authority and supervision of the City Council of Charleston, relative thereto, to lay railway tracks through and along the streets, within the corporate limits of the city of Charleston, and to use and employ upon such railway tracks sufficient and suitable carriages or cars, to be drawn by horses or animal power, for the transportation of passengers and freight, upon such rates as shall be fixed by the said company, and approved of by the said City Council, and for this purpose shall have all the authority and power necessary to carry the same into effect.

III. That the said Citizens' Line Railway Company of Charleston, South Carolina, shall be able and capable, by its corporate name, to buy property and to sell, for the purposes of its business, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in any court of law or equity in this State, to have succession of officers and members, and shall have power to make by-laws, not repugnant to the laws of the land, for the government and good order of its members, as shall be deemed expedient by a majority of the stockholders; and to have a common seal, and to alter and make new the same.

IV. That this Act shall remain in force and continue for the time of twenty-one years, and from thence until the expiration of the next session of the Legislature, and no longer.

V. That the said Railway Company, before laying any railway tracks for the purpose of running cars thereon, in any street or streets in the city of Charleston, shall fully and formally submit their plan or plans, designating the street or streets on which they propose to construct a railway, to the municipal authorities of said city, for their approval, and that all their works along and through the streets of said city be under the authority, supervision and arrangement of the corporate authorities of the city of Charleston, subject to such provisions, contracts, ordinances and restrictions as they may deem advisable for the general welfare, and due protection of public and private rights, as also for the protection of the property and rights of said company.

VI. That the said Railway Company shall have power and authority to issue bonds, to an amount not exceeding fifty thousand dollars, the same to be redeemable at such time, not exceeding twenty years, as may be agreed upon by the said company, and to bear interest at the rate of seven per cent. per annum, payable semi-annually.

A. D. 1861.

Railway
tracks, power
to lay.

Property,
power to hold,
and general
privileges.

Corporate ex-
istence.

Plans to be
submitted to
city authori-
ties.

Bonds, power
to issue.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

AN ACT TO ALTER AND AMEND THE CHARTER OF THE HAMBURG AND EDGEFIELD PLANK ROAD COMPANY.

No. 4553.

Release from
provision A. A.
1849.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an "Act to incorporate the Hamburg and Edgefield Plank Road Company," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, be so altered and amended as to release and discharge said company from maintaining so much of said road as lies between the Pine House and Edgefield Court House, as well as any other portion of said road that they may deem expedient; and that said company have leave to remove the plank and timber on said road.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives

No. 4554. AN ACT TO INCORPORATE THE NEW BUILDING AND LOAN ASSOCIATION.

Corporators.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James G. Gibbes, William B. Griffin, John Alexander and Jacob N. Feaster, together with such other persons as now are, or hereafter may be, associated with them, be, and they are hereby, declared and constituted a body politic and corporate for the purpose of making loans of money, secured by mortgage of real and personal property, to their members and stockholders, by the name and style of "The New Building and Loan Association;" the capital stock of said association to consist of eight hundred shares, with the privilege of increasing the same to one thousand shares, to be paid by successive monthly instalments of one dollar on each share, so long as the said association shall continue; the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments as the regulations and by-laws of the said association may prescribe.

Capital.

Officers and
members.Privileges and
liabilities.

II. That said association shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made, or to be made by them for their government; and shall have power and authority to make such rules and by-laws as are not repugnant to the Constitution and laws of the land; to have and keep a common seal, and the same to alter at will; to sue and be sued, implead and be impleaded in any court

of law or equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

III. That the funds of the said association shall be loaned and advanced to their members and stockholders, upon the security of real and personal estate, on such terms and conditions and subject to such regulations as may from time to time be prescribed by the by-laws of the said association; and it shall and may be lawful for the said association to hold such lands, tenements and hereditaments, and such slaves or other personal property as may be *bona fide* mortgaged and conveyed to it by way of security upon its loans and advances, or purchased at sales made according to law upon judgments or decrees at law or equity for the recovery of their debts; and to sell, alien or otherwise dispose of the same, as they may from time to time deem expedient.

IV. That whenever the funds of the said association shall have accumulated to such an amount that, upon a fair division thereof, each stockholder, for each and every share of stock by him or her so held, shall have received, or be entitled to receive, the sum of two hundred dollars, or the value thereof in property, and such distribution and division shall have been made, then the said association shall cease and determine: *Provided*, That in case the said association shall not have closed its operations and affairs as above provided for within a shorter period, then this Act shall not continue in force beyond ten years.

V. That this Act shall be deemed a public Act and be given in evidence without being specially pleaded.

A. D. 1861.

Funds.

Corporate existence.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT FOR THE ESTABLISHMENT OF A COAST POLICE FOR THE STATE OF SOUTH CAROLINA. No. 4555.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of this State shall procure, or cause to be procured, three vessels, to be propelled by steam and canvass, the same to be of light draft, and to be armed with one or more guns, and such other arms and equipments as may be necessary and proper, as an efficient police for the coasts and inlets of the State of South Carolina; and to this end he may employ an agent to be under his direction and control.

Vessels, three to be bought by Governor for coast police.

II. That the sum of one hundred and fifty thousand dollars be appropriated for the above purpose, to be drawn by the draft of the Ordnance Officer, countersigned by the Governor, from the Trea-

Appropriation therefor, how drawn.

A. D. 1861.

Officers of, to
be appointed
by Governor.

surey of the State, and the Governor shall render an account to the Legislature for the said amount, or for such part thereof as may be drawn for the purposes of this Act, as soon as the same is expended.

III. That the Governor, with the concurrence of the Board of Ordnance now appointed, or hereafter to be appointed by the Legislature, or a majority of the same, shall, in case the service of one or more of the said vessels is required, appoint the officers to command the said vessel or vessels, and the other commissioned officers for the same, the said officers to be commissioned by the Governor, and their commissions to continue until further provisions in this behalf shall be made by the Legislature.

Vessels under
control of Gov-
ernor.

IV. That when the said vessels are equipped and manned, the same shall be under the control of the Governor, and he may order the same on duty, and direct between what points the same shall cruise, and appoint such further duties for the same as, in his opinion, the public service may require.

Non-commis-
sioned officers,
Captain to ap-
point the.

V. That the Captain or commanding officer of each vessel shall have power to appoint the non-commissioned officers of each vessel, and to procure such number of men and seamen as shall be directed by the Board of Ordnance, and that such non-commissioned officers and seamen, when they are received, shall be articulated for such definite time as the Board of Ordnance shall have directed, and also for such further time, not exceeding one month, as the public service may require: *Provided*, That in case of disobedience of orders, or other misconduct by any commissioned officer of the said vessels, he shall be tried by a court martial, to be ordered by the Governor, and to be selected from the officers provided by this Act; save that said court martial shall in no case exceed five in number, nor be less than three, of whom not more than one shall be inferior in rank to any officer to be tried before said court: *And provided, also*, That in case, from any cause, it should prove impossible to organize such court martial, the Governor be, and he is hereby, authorized to appoint to such court martial any officer or officers in the militia of the State of the rank of captain; and all such commissioned officers, warrant officers, sailors and marines, guilty of desertion, mutiny, disobedience of orders, or other misconduct, shall be subject to the same punishment as is now provided in such cases by the laws now in force for the government of the naval forces of the United States.

Disobedience
or misconduct,
how punish-
ble.Pay and
rations.

VI. That the pay and rations of the said officers, non-commissioned officers and seamen, shall be fixed by the Board of Ordnance, and the amounts necessary for the same, and other expenses incident to the employment of said vessels, shall be paid from the Treasury of the State, not oftener than once a month, by draft of the Captain or commanding officer of each vessel, respectively, countersigned by the Ordnance Officer.

Certificates,
Treasurer
Lower Division
to issue.

VII. That for the purpose of procuring and equipping the said vessels, the Treasurer of the Lower Division is hereby authorized and required to issue, in the name of the State, one thousand five hundred certificates, with suitable coupons, of the value of one hundred dollars each, to be signed by the said Treasurer, and countersigned by the Comptroller General, bearing interest at the rate of six per cent. per annum, payable on the first day of June in each

and every year, at the Treasury of the Lower Division of the said State, and redeemable thereat; that is to say: seven hundred and fifty of the said certificates to be redeemable on the first day of June, which will be in the year of our Lord one thousand eight hundred and sixty-six; and seven hundred and fifty of the said certificates to be redeemable on the first day of June which will be in the year of our Lord one thousand eight hundred and sixty-seven; and that the form of the said certificates shall be the same as is provided by "An Act to authorize the issue of certificates or stock to provide for the military defence of the State," and the provisions of the said Act, as to the said certificates and the coupons attached, shall be applied to the certificates and coupons herein directed to be issued.

A. D. 1861.

In the Senate House, the fifteenth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE BARNWELL RAILROAD COMPANY. No. 4556.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of forming a railroad communication between the South Carolina Railroad and Barnwell Court House, the formation of a corporate company is hereby authorized, to be called the "Barnwell Railroad Company," which company, when formed, may construct a railroad from Blackville, on the South Carolina Railroad, to Barnwell Court House, and thence to the Savannah River, if they shall desire to do so.

Barnwell Railroad, authority to construct the.

II. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same, at any time after the company is organized, to an amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

III. That, for the purpose of raising such capital stock it shall be lawful to open books of subscription at Barnwell Court House, under the direction of W. H. Duncan, B. H. Brown, J. D. Allen and Johnson Hagood; at Blackville, under the direction of G. B. Lartigue and B. F. Peoples; and at any other point selected by the Commissioners herein named; which books may be opened at any time, and from time to time, as the Commissioners shall determine, upon first giving at least thirty days' previous public notice of the time and place of opening said books.

Commissioners.

IV. That whenever the sum of thirty thousand dollars shall have been subscribed by responsible individuals, companies or corporations, to the capital stock of said company, and an instalment of five dollars on each share subscribed paid in cash, it shall be lawful for

Company, organization of.

A. D. 1861.

said company to organize, and proceed to the construction of their road; and for this purpose it shall be the duty of the Commissioners to call a meeting of the stockholders, fixing the time and place of meeting.

Provisions of
Greenville
charter ex-
tended to.

V. That for the purpose of organizing said company and constructing the said railroad, the company is hereby invested with all the powers and privileges, and subject to all the duties and liabilities, that the Greenville and Columbia Railroad Company are invested with and subject to, by an Act entitled "An Act to charter the Greenville and Columbia Railroad Company," ratified on the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five; and the charter of the said Greenville and Columbia Railroad Company shall attach, and, as far as is practicable, become the charter of the Barnwell Railroad Company.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4557. AN ACT TO INCORPORATE THE BENNETTSVILLE AND SOCIETY HILL RAILROAD COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by railroad from Bennettsville to a point on the Cheraw and Darlington Railroad, at Society Hill, the formation of a corporate company is hereby authorized, to be called the Bennettsville and Society Hill Railroad Company; which company, when formed in compliance with the conditions hereinafter prescribed, shall have corporate existence as a body politic in this State.

Company, in-
corporation of.

II. That said company is hereby authorized to construct a railroad from Bennettsville to a point on the Cheraw and Darlington Railroad, at Society Hill, by a route to be determined by said company, after the same shall have been formed.

Railroad,
power of, to
build a.

III. That for the purpose of raising the capital stock of said company, it shall be lawful to open books in Bennettsville, under the direction of B. D. Townsend, T. C. Weatherly, A. H. Douglas, Samuel Sparks and John McQueen; at Society Hill, under the direction of Caleb Coker, Thomas Smith and S. W. Evans; at Darlington Court House, under the direction of E. W. Charles, T. P. Lide and Samuel A. Woods; at Cheraw, under the direction of D. Malloy, W. L. J. Reid and D. B. McArn; at Charleston, under the direction of A. F. Ravenel, J. D. Kirkpatrick and Robert Adger; and at any other place or places in the States of South Carolina or North Carolina, under the direction of Commissioners to be designated by a majority of the Commissioners for Bennettsville, for the

Books to be
opened by
Commission-
ers.

purpose of receiving subscriptions, to an amount not exceeding four hundred thousand dollars, in shares of fifty dollars each, the amount so subscribed to continue a joint stock capital, for the purpose of constructing and carrying into operation the railroad provided for by this Act. That the times and places for receiving such subscriptions shall be fixed by the Commissioners in Bennettsville, or by a majority of them, and shall be advertised for thirty days, in one or more newspapers in this State, and in the State of North Carolina; and the books for receiving subscriptions shall be kept open for sixty days at each of the places where the same shall be opened. That on each share of the stock subscribed, the subscribers shall pay to the Commissioners who shall take such subscription, the sum of five dollars in specie, or the notes of specie-paying banks of this State, the said Commissioners giving a receipt or certificate for the same. At the expiration of the time hereby prescribed for keeping open the books, the said Commissioners shall deposit the sums received by them in some specie paying bank in this State, and shall make a return of the subscriptions taken by them, and the sums paid thereon, to the Commissioners in Bennettsville.

IV. That when the sum of fifty thousand dollars shall be subscribed for, in manner herein prescribed, the subscribers shall be, and they are hereby, declared to be incorporated into a company, by the name and style of "The Bennettsville and Society Hill Railroad Company," and may meet and organize the said company, at such time and place as may be designated by a majority of the Commissioners herein named for Bennettsville.

V. That for the purpose of organizing and forming this company, all the powers conferred by the charter of the Northeastern Railroad Company, upon the Commissioners therein named, shall be vested in the Commissioners herein appointed in Bennettsville, and all the powers, rights and privileges granted by said charter and amendments thereto, of the Northeastern Railroad Company, to that company, shall be, and are hereby, granted to "The Bennettsville and Society Hill Railroad Company," subject to the conditions therein contained, except as to the amount of capital stock, the amount of shares, and the sum necessary to authorize organization; and except in so far as the special provisions of this Act may otherwise require the same to be modified or varied.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

Instalment.

Subscribers,
when to organize.

Charter of
North-Eastern
Road extended to.

A. D. 1861.
 No. 4558.

AN ACT TO AMEND THE CHARTER OF THE GEORGETOWN RAILROAD COMPANY, SO AS TO AUTHORIZE THE SAID COMPANY TO EXTEND THEIR ROAD TO BISHOPVILLE, IN SUMTER DISTRICT, AND TO REDUCE THE AMOUNT OF STOCK NECESSARY TO BE HELD BY ANY ONE BEFORE BECOMING A DIRECTOR OR OFFICER IN SAID COMPANY.

Road, extension of.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Georgetown Railroad Company be, and the same is hereby, so amended as to authorize the said company to extend their road to Bishopville, in Sumter District, and that any person may be eligible to the office of President or Director of said company, who, at the time of his election, and for at least three months previous, may be the owner of twenty-five shares in the capital stock of said company.

II. That it shall be lawful for the Georgetown Railroad Company to construct a bridge across Black River, without a draw.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4559. AN ACT TO AMEND THE CHARTER OF THE TOWN OF SUMTER.

Intendant and Wardens, authority of, to make railroad subscription.

Tax, authority to impose a.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Intendant and Wardens of the town of Sumter be, and are hereby, authorized to subscribe to the sum of twenty thousand dollars to the capital stock of the Central Railroad Company of South Carolina, and to borrow money, by issuing the bonds of the said town, sufficient to pay the instalments on their subscription to said Railroad Company, as they respectively fall due and are called for, and to levy, by tax on the taxable property of the town of Sumter, in addition to the tax which by law they are authorized to raise, a sum sufficient to pay the interest on the said bonds, and to discharge the principal of the same when due: *Provided*, That the said tax shall be levied on all such property as is taxed by the State by the Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-nine, and in the same proportions; and that the money so raised shall be devoted exclusively to the payment of the said bonds and interest: *And provided, also*, That no subscription shall be made to the said Railroad Company until one election for Intendant and Wardens shall have taken place after the first day of January, in the year of our Lord one thousand eight hundred and sixty-one.

II. That the said Intendant and Wardens shall have power to issue writs of *feri facias* to collect the said tax, and the property on which the said tax shall be levied shall be deemed liable to pay the same in preference to any other debt due by the person owning the same, except debts due to the State, which shall be first paid; and in case of default of payment, either of interest or principal, any bondholder shall have the right to obtain from any of the Judges of the Court of Common Pleas, either in Term or at Chambers, a *mandamus*, to compel the said Town Council to execute the powers herein granted for the collection of money and the payment thereof to satisfy said bonds and interest, the cost whereof shall be paid by the said Town Council.

A. D. 1861.

Tax, authority to collect.

Bondholders, right of, to mandamus.

III. That the stock so subscribed in the said Railroad Company shall stand pledged for the payment of the said bonds and interest, but shall not be sold or transferred by the said Town Council before the said railroad shall have been completed to the town of Lancasterville, unless the said stock can be sold at par before that time; and the proceeds of the sale of said stock shall be applied to the payment of the said bonds and interest.

Stock pledged for payment.

IV. That the Town Council of Sumter be, and are hereby, authorized to levy a capitation tax on each person in said town liable to perform patrol duty, which shall not exceed the sum of eight dollars on each person so liable, and to collect the same; which fund, with the perquisites of their office, shall be paid to one or more persons, who, on taking the oath prescribed by law for Constables, shall have all the powers of Constables, and shall, with such persons as do not pay this capitation tax, constitute the town guard.

Capitation tax, Council to levy.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE PRESBYTERIAN CHURCH OF YORKVILLE. No. 4560.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John H. Adams, Samuel Rufus Moore and Francis H. Simril, and all others their associates, who now are, or who may hereafter become, communing male members of the Presbyterian Church of Yorkville, be, and they are hereby, declared a body politic and corporate, by the name and style of the "Presbyterian Church of Yorkville."

Corporators.

II. That the said corporation shall have power to make all by-laws necessary and proper for the purposes of said corporation, not repugnant to the laws of the State; and shall have a succession of officers and members, to be appointed or elected in such manner,

By-laws, power to make.

A. D. 1861.

and according to such form, as may be provided by the rules and regulations of the said church; and the said corporation shall have power to have and use a common seal; to sue and be sued, plead and be impleaded in any court of law or equity in this State; and to have and enjoy every right, power and privilege incident to such corporations.

Estate, real
and personal,
power to hold.

III. That the said corporation shall be capable to have, hold and enjoy any estate, real or personal, in perpetuity or for term of years, whether by donation, devise or purchase, and to lease, alien, or otherwise dispose of the same, or any part thereof, in fee or for a term of years, in such way and by such form as the said corporation shall prescribe.

Incorporation,
term of,

IV. That this Act shall be deemed a public Act, and shall continue of force for the term of twenty-one years, and until the expiration of the regular session of the Legislature then next ensuing.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4561. AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS OF ROADS FOR KINGSTON PARISH, AND FOR OTHER PURPOSES.

Additional
Commissioners
of Roads.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the number of Commissioners of Roads now provided for by law within the Parish of Kingston, four shall be appointed in the same manner, with the same powers, and subject to the same liabilities, as are now by law conferred and imposed on the Commissioners of Roads of this State. The additional Commissioners provided for by this Act shall be attached to the Lower Board of Commissioners of Roads for Kingston Parish, and that William Y. Spivey, John M. Johnston, John R. Cooper and Thomas W. Beatty be, and the same are hereby, appointed Commissioners under the provisions of this Act.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861. draft of the Ordnance Officer, countersigned by His Excellency the Governor.

Agent for sale, Bank of State. VI. That the Bank of the State of South Carolina is hereby appointed the agent of the State for the sale of the said certificates, and is authorized to sell the same at the market value, with power and authority to appoint sub-agents under it for the sale thereof.

Treasurer, compensation to. VII. That for the additional duties imposed by this Act upon the Treasurer of the Lower Division, there be paid to him an additional compensation of four hundred dollars per annum, until the time for the final redemption of said certificates.

Trust funds may be invested in. VIII. That all investments in the certificates authorized by this Act, which may be made by Masters and Commissioners in Equity, executors, administrators, guardians, or other trustees, whose duty it shall or may be to invest funds in their hands, respectively, shall be deemed and held to be a sufficient compliance with their duty in such behalf.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4563. AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL MAGISTRATE IN ALL SAINTS PARISH.

Magistrate, another for All Saints. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the number of Magistrates now allowed by law for All Saints Parish, the appointment of another Magistrate for the Beat Company in which Bessantville is located, be, and the same is hereby, authorized. Such additional Magistrate shall have all the powers, and be liable to perform all the duties, now conferred and imposed by law upon the Magistrates of this State; and that William A. Bessant be appointed Magistrate therefor, and shall hold office for the term of four years, from the time of his appointment, and for forty days after the end of the session of the Legislature, at, during, or after which such term may expire.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REPEAL THE ACTS OF INCORPORATION OF THE TOWN
OF BLUFFTON.

A. D. 1861.

No. 4564.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to incorporate the town of Bluffton," ratified on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth Sections of an Act entitled "An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted," ratified on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, be, and the same are hereby, repealed.

Bluffton, Acts
incorporating
repealed.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A BILL TO ALTER AND AMEND THE TENTH SECTION OF THE FIRST
ARTICLE OF THE CONSTITUTION OF THE STATE OF SOUTH
CAROLINA. No. 4565.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the tenth Section of the first Article of the Constitution of this State be altered and amended to read as follows: Senators and members of the House of Representatives shall be chosen on the Tuesday after the second Monday in October, in the year of our Lord one thousand eight hundred and sixty-two, and on the same day in every second year thereafter, in such manner and at such times as are herein directed, and shall meet on the fourth Monday in November, annually, at Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation,) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases the Governor or Commander-in-Chief for the time being may, by proclamation, appoint a more secure and convenient place of meeting: *Provided*, That nothing herein contained shall be so construed as to apply to those Senators whose term of office will not expire on the second Monday in Octo-

Senators and
members, elec-
tion of.

A. D. 1861.

ber, in the year of our Lord one thousand eight hundred and sixty-two.

In the Senate House, the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina: We certify that this Bill has been read three times in the House of Representatives, and three times in the Senate, and was agreed to by two-thirds of the whole representation.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4566. A BILL TO ALTER AND AMEND THE THIRD SECTION OF THE FIRST ARTICLE OF THE CONSTITUTION OF THIS STATE.

Claremont
changed to
Sumter.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the election District declared and known in the Constitution by the name of Claremont shall be hereafter known and recognized by the name of Sumter.

Liberty chang-
ed to Marion.

II. *Be it further enacted* by the authority aforesad, That the election District declared and known in the Constitution by the name of "Liberty," shall be hereafter known and recognized by the name of "Marion."

In the Senate House, the fourth day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the sovereignty and independence of the United States of America: We do certify that the foregoing Bill has been read three times, on three several days, in the House of Representatives, and three times, on three several days, in the Senate, and was agreed to by two-thirds of the whole representation in both branches of the Legislature.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

INDEX.

A.

	PAGE
ABBEVILLE—	
Erskine College, at Due West in, established.....	43
Act to amend the charter of the village of.....	95
Town Council of, empowered to lay off streets, &c.....	95
Little River Baptist Church in, incorporated.....	103
Clear Spring Association in, incorporated.....	105
Walnut Grove Baptist Church in, incorporated.....	103
Rehoboth Church in, incorporated.....	606
ACTION OF TROVER—	
Act to amend the law in relation to.....	518
ADDITIONAL JUDGE—	
one to be elected, &c.....	649
ADDITIONAL MAGISTRATE—	
Act to authorize the appointment of, for Pickens District.....	563
ADJUTANT AND INSPECTOR GENERAL—	
to receive Calhoun Artillery Company, &c.....	66
ADVENT, CHURCH OF THE—	
incorporation of.....	11
AFFORD AID—	
in completing the Spartanburg and Union Railroad.....	524
AGENTS, TRAVELLING—	
Act to require and regulate the granting of licenses to.....	656
AGRICULTURAL SOCIETY OF SOUTH CAROLINA—	
Act to grant aid to, &c.....	352
Act to incorporate.....	442
AIKEN—	
Act to amend charter of.....	692
Act to incorporate the Presbyterian Church of, &c.....	772
ALIENS—	
Act concerning.....	97
ALLISON'S FERRY—	
across Great Pee Dee River, chartered, &c.....	701
ANCIENT FREE MASONS—	
Egeria Lodge, No. 71, incorporated.....	103

	PAGE
ANDERSON DISTRICT—	
Roberts' Church in, incorporated.....	11
Six and Twenty Baptist Church in, incorporated.....	11
Sandy Springs Camp Ground in, incorporated.....	11
Act changing road in, repealed.....	56
Toll Bridge over Seneca River in, incorporated.....	57
Bethesda Baptist Church in, incorporated.....	606
Dorchester Baptist Church in, incorporated.....	606
Neal's Creek Baptist Church in, incorporated.....	606
Mount Bethel Baptist Church in, incorporated.....	606
First Creek Baptist Church in, incorporated.....	606
Williamston Presbyterian Church in, incorporated.....	606
Road in, established.....	76
Bethlehem Church in, incorporated.....	103
ANNUAL CONFERENCE S. C.—	
incorporation of	11
ANTIOCH BAPTIST CHURCH—	
in Kershaw District, incorporated.....	11
in Darlington District, incorporated.....	14
APPEALS—	
Act to establish a separate Court of.....	647
APPORTIONMENT—	
Act to make, for the State.....	645
APPROPRIATIONS—	
Act to make for 1850.....	4-8
1851.....	68-73
1852.....	128-169
1853.....	198-203
1854.....	272-276
1855.....	345-350
1856.....	417-421
1857.....	510-516
1858.....	583-588
1859.....	637-642
1860-61.....	719-724
ARTILLERY—	
Act to authorize the formation of.....	66
Adjutant and Inspector General to receive into "Independent Battalion," &c.....	66
officers' commissions, &c.....	67
ASHEPOO FERRY—	
re-charter of.....	56, 74
ASHLEY RIVER—	
Bacon's Bridge on, re-chartered.....	75
ASSOCIATIONS—	
Acts to incorporate certain.....	169, 207

	PAGE
ATLANTIC STEAM NAVIGATION COMPANY—	
Act to incorporate.....	28
capital stock, real estate, subscriptions.....	28
Commissioners to open books, &c.....	29
election of officers, duties of, powers, &c.....	30
Governor to appoint Commissioners, duties of, mortgaging and purchasing assets by State, &c.....	31
Bank of State to make loans—modification of Act.....	32
ATLANTIC WHARF COMPANY—	
incorporated	600
AUGUSTA BRIDGE—	
certain persons authorized to collect tolls at.....	228
B.	
BANKS—	
Act to alter and amend the charters of joint stock, of this State..	354
Act to charter a, in the town of Sumter.....	441
Act to regulate mode of electing Directors of, &c.....	595
Act to re-charter and incorporate certain, &c.....	191-193
Act to postpone the operation of the 3d Section of Act for the suspension of certain Sections of certain Acts, &c.....	735
BANK OF WINNSBOROUGH—	
Act to establish and incorporate.....	110
Commissioners, books of subscription, &c.....	110
re-opening books, may hold property, reduce over-subscrip- tions, &c.....	111
division of capital stock, instalments, &c.....	112
eligibility of Directors, &c.....	113
extent of land to be held, &c.....	114
public debt, purchase of, prohibited....	115
loans, condition of, &c.....	116
BANK OF THE STATE OF SOUTH CAROLINA—	
Act to extend the charter of.....	136
not to subscribe to banks or railroads, or pay out bills of other banks.....	136
Sinking Fund, profits how disposed of, &c.....	136
no note under five dollars to be passed.....	137
Act to amend the charter of, &c.....	324
BANK OF CHARLESTON—	
Act to renew the charter of.....	218
liable to taxation.....	218
not to pay out bills of other banks, &c.....	219
BANK OF HAMBURG—	
Act to re-charter, rights and privileges.....	219
liable to taxation, not to pay out bills of other banks, &c.....	220

	PAGE
BANK OF CAMDEN—	
Act to re-charter, rights and privileges.....	222
liable to taxation, not to pay out bills of other banks, &c.....	223
BANK OF SOUTH CAROLINA—	
Act to renew the charter of, &c.....	223
liable to taxation, and not to pay out bills of other banks.....	224
BANK OF NEWBERRY—	
Act authorizing the increase of capital of.....	224
BANK OF GEORGETOWN—	
re-chartered for twenty one years... ..	285
tax on capital, to pay out its own bills, &c.....	285
BANK OF CHESTER—	
Act to amend charter of, &c.....	669
BARNWELL—	
Church of the Holy Apostles in, incorporated.....	103
charter of town of, amended.....	104
additional Commissioners of Free Schools for.	631
Baptist Church of Long Branch in, incorporated.....	606
Williston Academy in, incorporated.....	606
public road in, established.....	226
BARTLETT, JULIUS L.—	
title vested in.....	265
BATH PAPER MILLS—	
incorporated	599
BEACH BRANCH BAPTIST CHURCH—	
in St. Peter's Parish, incorporated.....	14
BEAUFORT—	
powers conferred upon Town Council of.....	24
Whitehall Ferry in, re-chartered.....	74
BEAUFORT LOAN AND BUILDING ASSOCIATION—	
incorporated	153
capital stock, powers, &c.....	153
funds, how loaned, and dividends.....	154
BEAUFORT FEMALE SEMINARY—	
incorporated	194
may hold and sell property, &c.....	195
BEAUFORT BILLIARD CLUB—	
incorporated.....	601
BEAT COMPANY—	
Act to divide No. 7, 16th Regt. Inf., S. C. M.....	89
No. 7, attached to First Battalion.....	89
No. 8, attached to Second Battalion.....	89
Beaufort, exempted from reviews.....	577

BENEFIT OF CLERGY—	
law in relation to operation of, amended.....	74
not to bar conviction in case of felony in other cases.....	74
BENNETT, THOMAS—	
conveyance of certain parcels of land, in fee simple, to.....	194
BENNETTSVILLE—	
Lodge No. 8, A. F. M., in, incorporated.....	606
BETHESDA BAPTIST CHURCH—	
in Anderson, incorporated.....	606
BETTING—	
Act to prohibit on elections....	66
BIRTHS, MARRIAGES AND DEATHS—	
Act to provide for the registration of, &c....	264
certain Acts in relation to registration of, repealed.....	748
Act for the better establishment of a general system of registration of.....	425
BLACKVILLE—	
see Clinton.....	105
BLAIR, JOHN—	
Comptroller General authorized to accept the bequest of the late.....	339
money, how to be invested.....	339
BLUFFTON—	
Wharf Company at, incorporated..	103
incorporated.....	156
Intendant and Wardens of, powers, duties, &c.....	156-159
charter amended.....	678
repeal of Acts of incorporation of.....	815
BLUE RIDGE RAILROAD COMPANY—	
Act to incorporate the, in South Carolina.....	182
capital stock, &c.....	183
election of Directors, &c.....	184
Commissioners to assess property, &c.....	185
faith of State pledged as security, &c.....	186
Road and property mortgaged to State, &c.....	187
Act to authorize aid to, in South Carolina.....	327
State to subscribe, &c.....	327
when State subscription to be paid, &c.....	328
other provisions.....	329
Commissioners of Roads in certain Districts, may subscribe to..	651
Act to grant aid to, &c.....	654
Act to repeal 9th Section of Act to authorize aid to, &c.....	655
BLUE RIDGE MINING COMPANY—	
Act to incorporate, &c.....	604

	PAGE
BOARDS OF COMMISSIONERS—	
rate of commissions for Treasurers of, payments from one to another, and bonds.....	673
BONDS—	
authorized to be issued, (see New State House).....	670
of Tax Collectors, Act to regulate penalty of.....	672
BONDS OR STOCK—	
issue of, for construction of new State House.....	541
BOUNDARY—	
line established between St. Stephen's and St. John's Berkeley...	503
line established between Sumter and Clarendon Districts.....	523
line established between Marion and Darlington, &c.....	671
BRANCH BANK OF THE STATE—	
President and Directors of, authorized to establish, &c.....	669
BRANCHVILLE AND SAVANNAH RAILROAD—	
Act to incorporate, capital stock, &c.....	238
BRASSTOWN AND PANTHER CREEK TURNPIKE CO.—	
incorporated.....	664
certain persons to erect turnpike, right of way, &c.....	664
toll gates, rates of toll, &c.....	665
BRIDGES—	
Acts to establish certain.....	56, 74, 108, 225, 698
S. C. Railroad Company, authorized to construct a certain.....	255
BRIGADE ENCAMPMENTS—	
re-establishment of, &c.....	53
Act to abolish laws relative to.....	100
BEAUFORD'S BRIDGE—	
village of, chartered.....	680
BUILDING AND LOAN ASSOCIATION—	
Act to incorporate the new.....	804
funds, how to be loaned.....	805
BURDISHAW, FANNY—	
title vested in.....	265
BUTLER, WILLIAM—	
title vested in.....	265
C.	
CADET RIFLEMEN—	
Charitable Society of, in Charleston, incorporated.....	14
CALHOUN GUARDS—	
incorporated, &c.....	740

CALHOUN LOAN AND BUILDING ASSOCIATION—	
incorporated.....	96
CALVARY CHURCH—	
incorporated.....	11
CAMDEN AND MONROE PLANK ROAD COMPANY—	
incorporated.....	22
CAMDEN—	
Kershaw Lodge, No. 9, I. O. O. F. at, incorporated.....	11
Grace Church in, charter renewed.....	607
Episcopal Theological Seminary in, incorporated.....	607
Town Council authorized to close certain streets, and commute for patrol tax.....	710-711
CANNONSBOROUGH—	
Church of the Holy Communion in, incorporated.....	11
CAROLINA BLUES—	
formation of a new volunteer company authorized within the limits of the Twenty-Third Regiment of Infantry.....	172
CAROLINA MUTUAL INSURANCE CO., OF CHARLESTON—	
incorporated.....	139
members, &c.....	140
authority to assess, votes, &c.....	141
CANAL—	
connecting Boggy Gut with Lower Three Runs, declared navi- gable stream.....	474
CAPITATION TAX—	
Samuel Rivers Cox, a free person of color, exempt from.....	634
CAROLINA ART ASSOCIATION—	
incorporated.....	601
CAROLINA STEAM PACKET COMPANY—	
incorporated.....	625
CATAWBA INDIAN BOUNDARY—	
lands in, classified, &c.....	284
CATAWBA INDIAN LANDS—	
Act to amend law in relation to.....	522
CEMETERY—	
Elmwood, incorporated.....	292
Magnolia, incorporated.....	15
CENTRAL PLANK ROAD COMPANY—	
incorporated.....	24

	PAGE
CENTRAL BANK OF SOUTH CAROLINA—	
incorporated, &c.....	212
election of Directors, &c.....	213
power of Directors, &c.....	214
stock assignable, &c.....	215
bills receivable for taxes, &c.....	216
not to pay out bills of other banks.....	217
CENSUS OF FREE WHITES—	
Act providing for.....	590
appointment and duty of Census Takers.....	591
returns, Governor to examine, compensation for, &c.....	592
heads of families to make oath.....	593
CERTIFICATES OR STOCK—	
Act to authorize issue of, to provide for military defense.....	813
Treasurer of Lower Division to issue stock.....	813
Comptroller General to countersign.....	813
form of certificates.....	813
receivable for taxes or debts to State.....	813
faith of State pledged for payment.....	813
proceeds of sale of, to be placed in Treasury at Charleston.....	813
agent for sale of.....	814
Treasurer's compensation.....	814
trust funds may be invested in.....	814
CHARLESTON—	
Morris Street Baptist Church in, incorporated.....	11
Protection Company of, incorporated.....	14
Vigilant Fire Engine Company in, incorporated.....	14
Typographical Society in, incorporated.....	14
Charitable Society of Cadet Riflemen in, incorporated.....	14
Marine Church of, incorporated.....	24
new water company in, incorporated.....	40
Gas Light Company in, charter amended.....	49
city elections, time of.....	58
boundary line defined, quorum of Council, guard house, &c.....	58
Irish Mutual Benevolent Society of, incorporated.....	103
hospital for colored people in, incorporated.....	103
Cathedral of St. Finbar's in, charter of renewed.....	105
Trustees of Roman Catholic Church of South Carolina in, charter renewed.....	105
Church of St. Mary's in, charter renewed.....	105
Light Dragoons of, charter renewed.....	105
Plank Road Company in, incorporated.....	106
City Council of, authorized to close Little Comings street.....	361
certain street in, extended.....	361
powers of the commissioned officers of the City Guard and police officers of the city of, enlarged.....	368
Act fixing the day for election of Mayor and Aldermen of, amended.....	368
law in relation to erection of wooden buildings in, amended.....	461

	PAGE
CHARLESTON—	
Act to provide for the measuring of timber in, and to create the office of Inspector and Surveyor thereof, amended.....	497
Act to incorporate Relief Loan Association of.....	559
Guard House lot, fee simple vested in City Council of.....	574
Atlantic Wharf Company in, incorporated.....	600
German Riflemen in, incorporated.....	600
Palmetto Riflemen in, incorporated.....	600
Ciceronian Association and Chess Club in, incorporated.....	600
Carolina Art Association in, incorporated.....	601
Eutaw Monument Association in, incorporated.....	601
Horticultural Society in, incorporated.....	601
Washington Artillery in, incorporated.....	602
Hammond Lodge, No. 7, Sons of Malta, in, incorporated.....	606
St. Luke's Church in, incorporated.....	606
Zion Presbyterian Church in, incorporated.....	609
Carolina Steam Packet Company of, incorporated.....	625
Directors of the Bank of the State.....	595
Fire Guard of.....	626
Hibernian Society.....	601
Inspectors of Naval Stores.....	635
Northeastern Railroad.....	622
Mechanics, &c., lien on ships.....	633
Southwestern Railroad Bank.....	622
Society for Relief of Disabled Ministers, &c.....	611
Fire Guard formed.....	702
certain portion of, exempt from city taxes.....	702
Act to afford increased facilities for administration of justice in,	703
CHARLESTON FLOATING DRY DOCK AND MARINE RAILWAY COMPANY—	
incorporated.....	87
capital stock, powers and privileges.....	87
annual meetings.....	88
CHARLESTON WATER COMPANY—	
incorporated.....	279
powers of, and subscriptions.....	280
Commissioners, returns, appeals.....	281
reservoirs and fountains, shares, &c.....	282
officers and Directors.....	282
infringement of privileges, trespass, &c.....	283
CHARLESTON BUILDING AND LOAN ASSOCIATION—	
incorporated.....	101
capital stock, powers, funds, &c.....	101, 102
CHARLESTON ROAD—	
road on old, established.....	76
Gents Road on old, discontinued.....	76
CHARLESTON AND SAVANNAH RAILROAD—	
chartered.....	240
capital stock, books for subscriptions, &c.....	240

	PAGE
CHARLESTON AND SAVANNAH RAILROAD—	
duties of Commissioners, ballot for President and Directors, &c.,	241
voting, elections, and rights and powers.....	242
right of way, valuation of land, &c.....	243
title to lands, and rights as common carriers.....	244
may adopt certain rules.....	245
sole right for 36 years, exempt from taxation, &c.....	246
increase of capital stock, powers, &c.....	247
exempt from 41st Section of Act of 1841.....	248
Act to authorize State aid in construction of.....	304
when Comptroller to subscribe to, &c.....	304
CHARTERS, RENEWED OR GRANTED—	
town of Anderson.....	475
Barnwell.....	545
Summerville.....	570
Chester Male Academy Society.....	683
St. Patricks' Benevolent Society, Charleston.....	683
Mercantile Library Association, Charleston.....	683
Methodist Benevolent Society, Charleston.....	683
Columbia Independent Fire Engine Company.....	683
Cheraw Presbyterian Society.....	683
Methodist Episcopal Church, Cheraw.....	683
Theological Seminary of South Carolina and Georgia.....	683
Sumter Circuit Camp Ground.....	683
Catholic Church, Chester.....	684
Pleasant Grove Church, Chester.....	685
Carmel Church, Pickens.....	685
Fairview Male and Female Schools.....	685
Forest Cemetery Company.....	686
Glebe Street Church, Charleston.....	686
First Universalist Church, Charleston.....	687
St. Matthew's Camp Ground.....	687
CHAUGA LIME AND MANUFACTURING COMPANY—	
incorporated.....	617
organization, management, stockholders and capital.....	618
CHEOHEE MINING COMPANY—	
incorporated.....	603
sale and transfer of stock, capital, &c.....	604
CHESTER AND NEWBERRY RAILROAD COMPANY—	
chartered.....	662
location of road, and capital stock.....	662
Commissioners to open books, amount to be paid in, organiza- tion, &c.....	663
May unite with Air Line Railroad.....	663
CHESTER RIFLES—	
Act to authorize the formation of.....	758
Adjutant General to inspect and receive.....	758
incorporated for 14 years, powers and liabilities.....	758

	PAGE
CHERAW—	
Town Council of, empowered to dispose of streets.....	102
limits of town of, extended.....	205
powers of Town Council as to streets and lots, &c.....	205
other provisions.....	206
certain authority granted to Town Council of.....	613
St. David's Church in, incorporated.....	609
Lodge, A. F. M., incorporated.....	606
charter of town of, amended.....	680
CHESTERVILLE—	
Female Academy Society of, incorporated.....	107
CHERAW AND DARLINGTON RAILROAD—	
aid in construction of, authorized.....	181
when Comptroller to subscribe, and when to be paid.....	181
State not liable for debts.....	181
roads to cross on certain conditions.....	182
Act to authorize company to increase capital stock, &c.....	341
CHESTER—	
Bank of, incorporated.....	191
charter of town of, amended.....	204
public road in District of, established.....	227
Baptist Church in, incorporated.....	606
St. Mark's Church in, incorporated.....	606
charter of Bank of, amended.....	669
Male Academy Society in, incorporated.....	683
Catholic Church in, incorporated.....	684
Pleasant Grove Church in, incorporated.....	685
CHESTERFIELD—	
Educational Society of.....	609
CHURCH AND SCHOOL—	
incorporation of, at Nation Ford.....	11
CHURCH—	
Pickens Court House, incorporated.....	563
CITY COUNCIL OF CHARLESTON—	
Act defining manner of charging, levying and collecting assessments upon certain lots.....	54
assessments conclusive, and may sell for default.....	54
appeals, &c.....	55
Commissioners, duty of, and oath.....	55
Act prescribing mode and terms upon which it may subscribe to the capital stock of rail and plank roads and canal companies, and confirming subscriptions heretofore made..	330
authorized to levy and collect taxes on real estate of banks within city limits.....	317
CITY COURT OF CHARLESTON—	
providing for the better administration of justice in the.....	299
jurors.....	299

	PAGE
CLAREMONT—	
additional Commissioners of Roads for.....	57
name changed to Sumter.....	533, 715
CLARENDON COUNTY—	
established as a separate Judicial District.....	364
when to take effect.....	364
corporators.....	364
village of Manning.....	364
Commissioners of Public Buildings.....	364
election for Clerk, Sheriff and Ordinary.....	365
Tax Collectors and their duties.....	365
boundaries of Sumter District.....	365
time for holding Courts.....	365
Magistrates, Clerk, Sheriff, Ordinary, &c.....	366
CITADEL SQUARE CHURCH—	
Morris Street Baptist and Fourth Baptist Church, Charleston, united into one, under the name of.....	376
CICERONIAN ASSOCIATION AND CHESS CLUB—	
incorporated.....	600
CLERGY—	
law amended relative to benefit of.....	74
CLINTON—	
name of, changed to Blackville.....	105
COLLETON RAILROAD—	
Act to afford aid in constructing.....	62
State not liable for debts, &c.....	62
COLUMBIA—	
Protestant Episcopal Church in, incorporated.....	14
Act to alter and amend the charter of the town of.....	293
new water works in the city of, Act to aid in the erection of, and for other purposes.....	353
issue of bonds by city of, authorized.....	352
appropriation to be drawn, &c.....	354
provision for supply of water to public buildings in.....	505
City Council of, to issue bonds or stocks, &c.....	505
divided into four wards, &c.....	614
Palmetto Fire Engine Company of.....	632
municipal elections biennial.....	681
interments, registration of deaths, &c.....	681
COLUMBIA INSURANCE COMPANY—	
incorporated.....	32
capital stock, powers, duration, &c.....	33
hold real estate, make by-laws, &c.....	34
COLUMBIA MACHINE WORKS—	
incorporated.....	300
capital stock of, may hold real estate, &c.....	300

	PAGE
COLUMBIA MACHINE WORKS—	
stock personal property—forfeited if not paid.....	301
organization, &c.....	301
debts not to exceed capital.....	302
COLUMBIA BUILDING AND LOAN ASSOCIATION—	
incorporated.....	153
capital stock, powers and privileges.....	153
funds, how loaned, and dividends.....	154
COLUMBIA GAS LIGHT COMPANY—	
incorporated.....	167
capital not to be divided.....	167
books to be opened, returns, &c.....	168
COLUMBIA AND HAMBURG RAILROAD—	
incorporated.....	250
books of subscription to be opened.....	250
rights and privileges.....	251
Act to incorporate.....	593
duty of Commissioners, &c.....	594
former Act repealed, &c.....	595
COMMERCIAL INSURANCE COMPANY—	
incorporation of.....	25
capital and shares.....	25
Commissioners, and mode of raising capital.....	25
books of subscription, how long kept open.....	25
rules and by-laws.....	26
President and Directors, rights and powers.....	26
dividends not to exceed 12 per cent.....	26
capital, provisions relative to.....	27
one half capital to be permanently invested.....	28
Act to incorporate amended, &c.....	144
COMPTRROLLER GENERAL—	
duties of, in certain cases.....	93, 256
COMPANIES—	
Acts to incorporate certain.....	169, 207
COMMISSIONERS—	
of Cuts and Water Courses, powers defined.....	445
of Free Schools of St. Philip and St. Michael, powers defined and extended.....	495, 517
of Free Schools for Lexington District, number increased.....	522
COMPANY—	
Columbia Ice, incorporated.....	545
Independent Gas, of Columbia, incorporated.....	571
Edisto Lumber and Timber Pond, incorporated.....	538
South Carolina Copper, incorporated.....	542
Port Royal Railroad, chartered.....	564
Cashier's Valley Turnpike, incorporated.....	566
Sassafras Gap Turnpike, incorporated.....	568

	PAGE
COMPANY—	
Cheraw and Coal Fields Railroad, incorporated.....	551
Santee and Sampit Canal, incorporated.....	560
Southern Porcelain Manufacturing, incorporated.....	425
Savannah River Steamboat, incorporated.....	470
Columbia Steamboat, incorporated.....	472
Mount Pleasant Ferry, incorporated.....	473
Keowee and Tuckasegee Turnpike, incorporated.....	497
COMMISSIONERS OF ROADS—	
of Spartanburg, Union, Fairfield and Richland, authorized to subscribe for stock in railroad companies.....	651
same powers granted to the, of Anderson and Pickens.....	653
additional one appointed for St. Bartholomew's Parish.....	701
COMMISSIONERS OF PUBLIC BUILDINGS—	
Act to increase power of.....	775
court rooms, duty of, to furnish in certain cases.....	775
blankets and bedding, power of, to furnish prisoners in jail.....	775
assessments, power to levy.....	775
COMMON PLEAS—	
Clerks of Courts of, to keep open offices and index journals....	63
COMMERCIAL BANK OF COLUMBIA—	
incorporated.....	191
COMMISSIONERS OF CROSS ROADS OF CHARLESTON NECK—	
empowered to deliver bonds, &c.....	110, 121
Act for the better regulation of.....	379
election of, and organization.....	379
duties of, &c.....	383
COMPANY OF ARTILLERY—	
Act authorizing formation of.....	66
CONGRESS—	
appointment of Deputies to a Southern, provided for.....	86
See Members of.....	88
CONFERENCE—	
See South Carolina Annual.....	122
CONGAREE JOCKEY CLUB—	
incorporated.....	14
CONSTITUTION—	
Bill to alter and amend the.....	123
amended, dividing Pendleton into two election Districts.....	342
Bill to amend Section 4, Article I, of the.....	351
amended, changing name of Claremont to Sumter.....	533
amended, changing name of Liberty to Marion.....	533
Section 4, Article I, of the, amended.....	471
Bill to amend Section 10, Article I, of the.....	496

	PAGE
CONSTITUTION—	
Bill to amend Section 10, Article I, of the.....	714
Bill to amend Section 3, Article I, of the.....	715
Bill to amend Section 10, Article I, of the.....	815
Bill to amend Section 3, Article I, of the.....	816
CONVENTION OF THE PEOPLE—	
time of election for, qualifications of voters, and number of delegates.....	51
who eligible, duty of Governor, his powers, &c.....	52
meeting of.....	100
Act providing for the calling of a.....	734
time for election of delegates to a.....	734
voters, vacancies, delegates, &c.....	735
CONCEALED WEAPONS—	
penalty for assaulting with.....	634
COMMISSIONERS OF POOR—	
for Pickens District, authorized to sell certain lands.....	263
for St. Bartholomew's, authorized to sell certain lands.....	266
CODE OF THE STATUTE LAW—	
Act providing for.....	589
Court of Errors to appoint Commission.....	589
duty of Commissioners, &c.....	589
salary of Commissioners.....	590
Act providing for a.....	649
substitute for previous Act.....	649
Commissioner to be elected annually, and powers of.....	650
proposed changes—to be printed.....	650
Commissioner to report annually—salaries and expenses.....	650
authority to Commissioner and assistant—books of reference...	651
late Commissioner's papers.....	651
COURTS—	
of Errors, and duties of.....	648
Equity.....	648
election of Chief Justice or Judges of.....	648
for Charleston District.....	648
for Georgetown District.....	648
of General Sessions and Common Pleas for Charleston District,	703
when to sit.....	703
jurors to be drawn.....	703
order of business.....	703
CUNNINGHAM, H. S. McCLENAGHAN AND GEORGE HOPKINSON—	
Aliens, permitted to apply for admission to practice in the Courts of this State.....	97
CORONER—	
office of, for Williamsburg District, abolished.....	444

	PAGE
COURTS OF LAW—	
times for holding, in Northern Circuit.....	133
writs and processes returnable, &c.....	133
sittings of, on Western Circuit.....	261
COLUMBIA FEMALE COLLEGE—	
incorporated	290
officers, powers, Trustees.....	291
COLLEGE—	
Laurensville Female, incorporated.....	451
Newberry, of the Evangelical Lutheran Synod of South Carolina and Adjacent States, incorporated.....	490
COURTS OF LAW AND EQUITY—	
aliens permitted to practice in.....	97
appeals from, for Colleton District, to be heard at Columbia, instead of Charleston.....	445
COURTS OF EQUITY—	
times of sitting of, in Fifth Circuit.....	166
sittings of, for Charleston District.....	261
established for Clarendon District.....	503
times of sitting of, in Second Circuit.....	484
COAST OF SOUTH CAROLINA—	
repeal of proviso to Section 1 of an Act relating to survey of, under authority of United States.....	390
COURTS OF GENERAL SESSIONS AND COMMON PLEAS—	
times for holding, in Barnwell, Beaufort, Colleton, Charleston and Orangeburg, changed.....	94
processes and writs, jurors and witnesses, and other provisions..	94
COKESBURY—	
village of, incorporated.....	176
powers of Intendant and Wardens.....	177
liability of Intendant and Wardens.....	178

D.

DARLINGTON—	
Pee Dee Lodge, No. 12, I. O. O. F., at, incorporated.....	11
Antioch Baptist Church in, incorporated.....	14
charter of town of, amended.....	681
DUE WEST—	
Erskine College at, incorporated.....	43
DEFENSE OF THE STATE—	
Act providing for.....	52
DRY DOCK COMPANY—	
incorporated.....	87

	PAGE
DEAF AND DUMB—	
appropriation of \$3,500 for building for, at Cedar Springs, Spartanburg District.....	141
when to be paid, mortgage, penalty.....	142
Act to alter and amend the law in relation to the education of the.....	169
sum allowed for education of.....	169,
DEFENSE OF THE STATE—	
amendment to Act to provide for the.....	159
DERELICT ESTATES—	
Act authorizing Ordinaries to take possession of and adminis- ter, repealed.....	161
Act to provide for the administration of.....	519
DISTRICTS—	
Congressional, arranged.....	189
Congressional, elections by.....	189
DEBTORS—	
seventh Section of Act for the more effectual relief of insol- vent, repealed.....	736
DEEDS—	
law in relation to words of limitation in, amended.....	262
DEATHS—	
see Births, Marriages and Deaths.....	264
DAMAGES—	
allowed to persons killed by the fault of others.....	706
for whose benefit, how divided, &c.....	706
DIRECTORS OF THE BANK OF THE STATE—	
mode of electing regulated.....	595
division of Board of.....	595
annual elections, vacancies, &c.....	596
Act of 1857 repealed.....	596
bank agents.....	596
notes of bank limited.....	596
officers of banks to transmit weekly returns.....	597
duty of Comptroller, and penalty.....	597
DOGS—	
owners of, liable for sheep killed.....	707
owners of slaves liable for, kept by them.....	707
tax on, kept by slaves.....	707
owners liable for, in case of default.....	707
tax on, kept by free negroes.....	707
DRAW BRIDGE—	
Railroad Accommodation Wharf Company authorized to con- struct a, over Mazyckborough Creek.....	774
other provisions concerning.....	774

E.

	PAGE
EDGEFIELD—	
Red Oak Grove Church in, incorporated.....	11
Mount Tabor Church in, incorporated.....	11
Commissioners of Poor of, jurisdiction of.....	62
road in, discontinued.....	77
new road in, established.....	77
Trinity Church in, incorporated.....	103
town of, charter renewed.....	203
public roads in, established.....	227
EAGLE FIRE ENGINE COMPANY—	
incorporated (see Sec. 11.).....	105
EDGEFIELD RAILROAD—	
incorporated, &c.....	393
President and Directors, meetings.....	395
powers, &c., contracts, shares.....	396
increase of capital stock, loans, &c.....	397
title to land, &c.....	398
Direction, &c.....	400
EDGEFIELD RIFLE MEN—	
incorporated.....	743
Adjutant General to inspect and receive.....	743
officers and members of.....	743
powers and liabilities of corporation.....	743
courts martial, &c.....	743
EDISTO ISLAND—	
collection of money for repair of bridges on.	57
ERSKINE COLLEGE—	
incorporated.....	43
Trustees, officers, &c.....	43
power to hold property.....	43
Trustees, how elected, &c.....	44
EPISCOPAL CHURCH—	
Protestant, in Columbia, incorporated.....	14
ENCAMPMENTS—	
Brigade, re-establishment of, &c.....	53
See Brigade.....	100
ENGRAVED PAPER—	
circulation of, resembling bank notes, prevented.....	463
EVIDENCE—	
in a cause, to be labelled and given to Solicitor.....	61
ELECTIONS—	
betting on prohibited.....	66
See Resolutions.....	124
Act to secure purity of.....	624

	PAGE
ELECTIONS—	
persons voting at unqualified, punishment, &c.....	624
purchasing votes at, penalty, &c.....	625
of Chief Justice and Associate Judges.....	648
of Senators and Representatives.....	714
by the people, law in relation to counting votes at, altered and amended.....	748
St. Luke's Parish excepted.....	748
results of, how declared.....	748
ELLIOTT'S CUT CANAL—	
discontinued.....	75
ELMORE MUTUAL INSURANCE COMPANY—	
incorporated.....	675
capital stock, Commissioners, powers, &c.....	675
dividends, and rules and by-laws.....	676
books, profits, annual estimates.....	677
credits, surplus fund.....	678
ELMWOOD CEMETERY—	
incorporated.....	292
members of, powers, Directors, &c.....	292
liability for debts—exempt from taxes.....	293
Act to incorporate the, amended.....	367
ERRORS—	
Court of.....	648
how constituted and duties of.....	648
EQUITY—	
Courts to continue.....	648
Commissioners of Courts of, powers enlarged.....	671
Commissioners of Courts of, may appoint guardians.....	671
depositions in Courts of, how deemed.....	671
ESCHEATED PROPERTY—	
right and title of the State in and to certain, vested in William Pendarvis, Emeline Kinloch, <i>et al.</i> , Rebecca Liles, <i>et al.</i> , and James Kerr.....	109
right and title of the State in and to certain, vested in certain persons.....	190, 265, 309, 363, 495, 577, 708
EXECUTION OF SLAVES—	
and free persons of color, Act relative to.....	191
EXCHANGE BANK OF COLUMBIA—	
incorporated.....	191
EXEMPTION—	
of Board of Fire Masters, and officers and members of incorpo- rated fire companies, from militia duty.....	507
EUTAW MONUMENT ASSOCIATION—	
incorporated.....	601

F.

	PAGE
FARMERS' AND EXCHANGE BANK—	
incorporated.....	191
FERRIES—	
see Roads, Bridges and Ferries.....	56, 225
FEMALE COLLEGE—	
Columbia, incorporated.....	290
Spartanburg, incorporated.....	302
Marion, incorporated.....	334
Due West, incorporated.....	775
FEMALE INSTITUTE—	
Yorkville, incorporated.....	334
FEASTER, JACOB—	
Act for relief of	705
FIRE ENGINE COMPANY—	
the Protection, of Charleston, incorporated.....	14
the Vigilant, of Charleston, incorporated.....	14
FIREMAN'S INSURANCE COMPANY, OF CHARLESTON—	
incorporated	146
Commissioners, books, conditions.....	147
city corporation may subscribe to.....	147
sale of stock	147
powers and privileges.....	148
losses of stock to be made up.....	149
books to be examined.....	150
charter amended.....	257
fifth Section of charter repealed.....	325
FIRE GUARD OF CHARLESTON—	
Act organizing the, amended.....	626
inspections of, when and by whom.....	626
organized.....	702
how constituted, duties, courts martial.....	702
FISH—	
obstructions to the passage of, up Lynch's Creek, prohibited, under penalty	143
FISH SLUICES—	
additional Board of Commissioners of, for Broad River, pro- vided for.....	672
law in relation to, in Broad River, amended.....	788
FIELDS, JAMES—	
title vested in.....	708
FLOATING DRY DOCK AND MARINE RAILWAY—	
incorporated.....	12
officers, by-laws, rights.....	13

	PAGE
FLORIDA STEAM PACKET COMPANY—	
incorporated.....	92
capital stock, officers, by-laws, &c.....	92
amendment to Act incorporating.....	256
may run boats to ports in Georgia.....	257
FLORIDA WAR—	
See South Carolina Volunteers.....	270
FLOUR—	
Act to provide for the inspection of.....	9
casks, &c., weight, duties of Inspector.....	9
Governor to appoint Inspector, &c.....	10
additional Act to provide for the inspection of.....	179
Act for the inspection of, amended in certain particulars.....	277
Act to amend Act for the inspection of, &c.....	471
FURMAN UNIVERSITY—	
incorporated.....	34
Trustees, term of.....	34
rights and powers of corporation.....	35
FROG LEVEL—	
village of, incorporated.....	104
FULLER, THOMAS—	
a certain parcel of land conveyed to, in fee simple, on payment of \$200.....	194
FRANK, JOSEPH—	
title of State in certain lot of land vested in.....	265
FREE SCHOOLS—	
Commissioners of, for St. Philip and St. Michael, authorized to sell and convey certain lands.....	362
additional Commissioners of, appointed for St. Matthew's, King- ston and Barnwell.....	631
FOUR HOLES CREEK—	
a certain portion of, declared navigable.....	762
certain powers conferred on proprietors.....	762

G.

GAS LIGHT COMPANY—	
of Charleston, charter amended.....	49
of Greenville, incorporated.....	754
GATES—	
the erection of, upon all such roads as are not public highways, authorized.....	357
GEORGE HOPKINSON—	
See Act concerning Aliens.....	97

	PAGE
GEORGETOWN—	
Ice House Company of, incorporated.....	103
town of, charter amended.....	206
Town Council to appoint Inspectors in.....	206
Board of Health for.....	206
public roads in District of, established	228
holders of real estate in, exempt from capitation tax.....	613
additional Magistrates appointed for.....	712
charter of town of, amended.....	751
on what conditions town of, may subscribe to railroads, plank roads and canals.....	751
powers and authority of Council of, &c.....	752
certain Act restricting taxation in, repealed.....	753
GIBSON, LEVI—	
title vested in.....	265
GEORGETOWN RAILROAD COMPANY—	
incorporated.....	620
Commissioners to open books.....	620
powers and privileges.....	621
GEORGETOWN, BANK OF—	
re-chartered.....	285
GERMAN RIFLEMEN, CHARLESTON—	
incorporated.....	600
GERMAN HUSSARS, CHARLESTON—	
attached to Fourth Regiment of Second Brigade.....	659
GRACE CHURCH, CHARLESTON—	
charter of, renewed and amended	801
GRANITEVILLE MANUFACTURING COMPANY—	
charter extended.....	48
increase of stock, &c.....	49
see Incorporations.....	602
GRANITEVILLE CEMETERY ASSOCIATION—	
incorporated.....	367
GREENVILLE PLANK ROAD COMPANY—	
incorporated.....	22
GREENVILLE AND FRENCH BROAD RAILROAD—	
see Commissioners of Roads.....	651
GREENVILLE—	
road in, established.....	77
Mountain Lodge, No. 15, I. O. O. F., incorporated.....	103
Male and Female Academies, charters of renewed and ex- tended.....	105
powers of Town Council of.....	203
charter of town of, renewed and amended.....	763
powers of Intendant and Wardens of.....	764

GREENVILLE--

town elections, and provisions concerning.....	764
general powers of Council of.....	765
Intendant and Wardens of invested with powers of Magistrates,	766
taxes, authority to assess and impose by Council of.....	767
Council of to publish tax ordinance.....	768
Board of Health, Council of to appoint.....	769
Council of to lay off town into wards, and perform other duties.....	770

GREENVILLE AND COLUMBIA RAILROAD COMPANY--

charter of, amended.....	253
increase of capital stock.....	253
may build branch to Aiken, &c.....	253
may extend road from Greenville.....	253
may build road from Abbeville towards Washington, Ga.....	253
may unite with other roads.....	254
exemption.....	254
time extended allowing the, and the Newberry and Chester Railroad Company, to open books of subscription.....	299

GOVERNOR--

duties of, (see Act establishing bank in Winnsborough, Sec. 28).....	116
Commissioners appointed by, (Newberry and Chester Railroad)	230
Commissioners appointed by, (Charleston and Savannah Rail- road).....	240

GUARDIANS, EXECUTORS, &c.--

commissions allowed to, in certain cases.....	706
when commissions allowed to estate of.....	706

H.

HAMBURG PAPER MILLS COMPANY--

incorporated.....	38
to hold property, &c.....	38
members liable until capital be paid in.....	38
capital stock deemed personal estate.....	38
votes, books, officers, service of process.....	38

HAMBURG--

Acts incorporating town of, amended.....	61, 258, 369
--	--------------

HAMBURG AND EDGEFIELD PLANK ROAD--

(See *Plank Road.*)

HAMBURG FIRE ENGINE COMPANY--

see Incorporations.....	600
-------------------------	-----

HAYNE COTTON MILL COMPANY--

incorporated.....	44
when to go into operation, &c.....	45
stock personal property.....	45
annual report.....	46
debts limited to capital—liability of Directors.....	46

	PAGE
HARTVILLE LIGHT INFANTRY— (See <i>Lexington</i> .)	
HARBORING DESERTED SEAMEN— Act to amend the law in relation to.....	154
HIBERNIAN SOCIETY, CHARLESTON— may hold real estate.....	601
HIGGINS' FERRY— re-chartered	57
HOLLEY'S FERRY— established	56
HOME LOAN AND BUILDING ASSOCIATION— incorporated..... powers and rights..... may loan funds..... when funds may be divided.	666 666 667 667
HOMICIDE— law in relation to, amended.....	703
HOPKINSON, GEORGE— see Act concerning Aliens.....	97
HOPTON, ROBERT— a free person of color, exempt from capitation tax.....	175
HORSE CREEK— Act in relation to navigation of.....	268
HORTICULTURAL SOCIETY, CHARLESTON— see Incorporations.....	601
HOUSE BURNING— law in relation to, amended..... penalty for.....	737 738

I.

INCORPORATIONS— Antioch Baptist Church, Kershaw District.....	11
Church of the Holy Communion, in Cannonsborough.....	11
Roberts' Church, in Anderson District.....	11
Red Oak Grove Church, in Edgefield District.....	11
Mount Tabor Church, in Edgefield District.....	11
Church of the Advent, in Spartanburg District.....	11
Six and Twenty Baptist Church, in Anderson District.....	11
Sandy Springs Camp Ground, in Anderson District.....	11
Calvary Church, at Glenn's Springs, in Spartanburg District...	11
Pee Dee Lodge, No. 12, Independent Order of Odd Fellows, Darlington C. H.....	11
Kershaw Lodge, No. 9, Independent Order of Odd Fellows, Camden	11

	PAGE
INCORPORATIONS—	
Pine Grove Church, and Trinity Church, St. Matthew's Parish,	11
Morris Street Baptist Church, Charleston.....	11
Marion Division, No. 2, Sons of Temperance.....	11
Church and School, Nation Ford.....	11
South Carolina Annual Conference.....	11
Floating Dry Dock and Marine Railway.....	12
Richland Light Dragoons.....	14
Roebeck Band.....	14
Protection Company of Charleston.....	14
Congaree Jockey Club.....	14
Protestant Episcopal Church in Columbia, under the name of Trinity Church, Columbia.....	14
St. Matthew's Church, in Orangeburg District.....	14
Antioch Baptist Church, in Darlington District.....	14
Beach Branch Baptist Church, St. Peter's Parish.....	14
Vigilant Fire Engine Company, in Charleston.....	14
Charleston Typographical Society.....	14
Charitable Society of the Cadet Riflemen, in Charleston District.....	14
village of Lancaster.....	14
town of Summerville.....	14
South Carolina Insurance Company.....	14
corporate limits of the town of Winnsborough, extended.....	14
Magnolia Cemetery.....	15
South Carolina Institute.....	16
Plank Road Companies.....	16
Sullivan's Island Rail or Plank Road Company.....	21
Moultrieville Rail or Plank Road Company.....	22
Greenville Plank Road Company.....	22
Camden and Monroe Plank Road Company.....	22
South Carolina Plank Road Company.....	22
Moultrie House Company.....	22
Savannah Plank Road Company.....	24
King's Mountain Iron Company.....	24
Marine Church of Charleston.....	24
Town Council of Beaufort.....	24
Central Plank Road Company.....	24
Commercial Insurance Company.....	25
South Carolina Atlantic Steam Navigation Company.....	28
Columbia Insurance Company, in the town of Columbia.....	32
Furman University.....	34
Swedish Iron Manufacturing Company of S. C.....	36
Hamburg Paper Mills Company.....	38
village of Totness.....	39
new Charleston Water Company.....	40
Erskine College, Due West, in Abbeville District.....	43
Hayne Cotton Mill Company.....	44
Wateree Manufacturing Company, charter extended.....	46
Graniteville Manufacturing Company.....	48
Charleston Gas Light Company, charter amended.....	49
Irish Mutual Benevolent Society of Charleston, incorporated... 103	103

	PAGE
INCORPORATIONS—	
Egeria Lodge, No. 71, Ancient Free Masons, incorporated.....	103
Georgetown Ice House Company, incorporated.....	103
Trustees of Pageville Academy, incorporated.....	103
Bluffton Wharf Company, incorporated.....	103
Presbyterian Church of Williamsburg, incorporated.....	103
Four Holes Baptist Church, in Orangeburg District, incorporated.....	103
Moriah Baptist Church, in Sumter District, incorporated.....	103
Vestry and Wardens of the Church of the Holy Apostles, at Barnwell, incorporated.....	103
Walnut Grove Baptist Church, in Abbeville District, incorporated.....	103
Bethlehem Church, in the town of Anderson, incorporated.....	103
Trinity Church, Edgefield, incorporated.....	103
Magnolia Lodge, No. 21, Independent Order of Odd Fellows, at Marion Court House, incorporated.....	103
Mountain Lodge, No. 15, Independent Order of Odd Fellows, in Greenville District, incorporated.....	103
Pendleton Hotel Company, of Abbeville District, incorporated..	103
Palmetto Guard, of Abbeville District, incorporated.....	103
Little River Baptist Church, of Abbeville District, incorporated.....	103
Hospital for Colored People, Charleston, incorporated.....	103
Frog Level, in Newberry District, incorporated.....	104
Newberry, town of, charter of, extended.....	104
Barnwell, town of, charter of the, amended.....	104
Mt. Pleasant, town of, limits of the, extended.....	104
Roman Catholic Cathedral of St. Finbars, charter renewed....	105
Trustees of the Roman Catholic Church of South Carolina, charter renewed.....	105
Roman Catholic Church of St. Mary's, Charleston, charter renewed.....	105
Charleston Light Dragoons, charter renewed.....	105
Presbyterian Church in Sumterville, charter renewed.....	105
Fire Company of Charleston Neck, name of changed.....	105
Clinton, in Barnwell District, name of, changed.....	105
Evangelical Lutheran Church of South Carolina, name of changed.	105
Euhaw Baptist Church, St. Luke's Parish, incorporated.....	105
St. Peter's Lutheran Church, Lexington District, incorporated..	105
Abbeville Clear Springs Association, (educational,) incorporated.....	105
Greenville Male and Female Academies, charters renewed and extended.....	105
Newberry Steam Mills Company, incorporated.....	106
Laurensville, town of, charter extended of.....	106
Charleston Plank Road Company, incorporated.....	106
Charleston Plank Road Company, powers and privileges of....	106
Charleston Plank Road Company, charter of, term of.....	107
Charleston Plank Road Company, charter of, when to attach...	107
Section of Act amended, (see Societies and Companies).....	107

	PAGE
INCORPORATIONS—	
Chesterville Female Academy Society, incorporated.....	107
Newberry Agricultural Society, incorporated.....	207
Catawba Lodge, I. O. of O. F., incorporated.....	207
Oaks Club, of Charleston, incorporated.....	207
Society Hill Library Society, incorporated.....	207
Eutaw Encampment, No. 2, I. O. of O. F., incorporated.....	207
Hibernian Society of Columbia, incorporated.....	207
Sumter Lodge, No. 23, I. O. of O. F., incorporated.....	207
German Ladies' Benevolent Society of Charleston, incorporated,	207
Port Royal Company, incorporated.....	207
German Settlement Society of Charleston, incorporated.....	208
Charleston Philharmonic Society, incorporated.....	209
Mount Pleasant Ferry Company, charter amended.....	209
Phoenix Fire Engine Company of Charleston, re-chartered.....	209
Marion Fire Engine Company, re-chartered	209
South Carolina Mechanics' Association, re-chartered.....	209
Charleston Ancient Artillery Society, re-chartered.....	209
German Fire Company of Charleston, re-chartered	209
Charleston Fire Company of Axemen, re-chartered.....	209
Charleston Gas Light Company, power to increase capital.....	209
Sumterville Academical Society, charter extended.....	210
St. Mary's College, incorporated.....	210
Carolina Gas Company, incorporated.....	210
Cedar Spring and Lower Long Cane Churches, incorporated....	211
German Evangelical Lutheran Church of Walhalla, incorpo- rated.....	211
Steep Bottom Baptist Church of St. Peter's Parish, incorporated,	211
Bethlehem Church in Edgefield District, incorporated.....	211
Luther's Chapel at Newberry, incorporated.....	211
Independent or Congregational Church of Wappetaw, incorpo- rated.....	211
Baptist Church at Broadmouth, Abbeville District, incorporated,	211
Methodist Society at Union Camp Ground in Abbeville Dis- trict, incorporated.....	211
Fairview Methodist Protestant Church in Anderson District, in- corporated	211
Washington Street Presbyterian Church in Greenville, incorp- rated.....	211
Townville Baptist Church in Anderson, incorporated.. ..	211
Hartville Baptist Church in Darlington, incorporated.....	211
Covington Seminary in Edgefield, incorporated.....	211
Cokesbury Masonic Female Institute, incorporated.....	211
Black Swamp Baptist Church, in Beaufort District, charter re- newed.....	211
Goose Creek Baptist Church, in the Parish of St. James, Goose Creek, charter renewed.....	211
Protestant Episcopal Church in Greenville, charter renewed....	211
Pendleton Academy, charter renewed.....	211
Bath Paper Mills Company.....	599
Atlantic Wharf Company, Charleston.....	600
German Riflemen, Charleston.....	600

	PAGE
INCORPORATIONS—	
Hamburg Fire Engine Company.....	600
Palmetto Riflemen, Charleston.....	600
Ciceronian Association and Chess Club.....	600
Carolina Art Association, Charleston.....	601
Laurens District Agricultural Society.....	601
Beaufort Billiard Club.....	601
Mount Pleasant Ferry Company.....	601
Entaw Monument Association.....	601
Hibernian Society may own real estate.....	601
Port Royal Company, charter extended.....	601
Horticultural Society, charter extended.....	601
Washington Artillery, charter renewed.....	602
Graniteville Manufacturing Company.....	602
Cheochee Mining Company.....	603
Mount Olivet Church, Pickens.....	606
St. Mark's Church, Chester.....	606
Ebenezer Church, Greenville.....	606
The Second Baptist Church, Pickens.....	606
The Shady Grove Presbyterian Church, Laurens.....	606
The Baptist Church of Long Branch, Barnwell.....	606
The Beaver Creek Presbyterian Church, Kershaw.....	606
The Harmony Methodist Episcopal Church, South.....	606
Rehoboth Church, Abbeville.....	606
Williamston Presbyterian Church, Anderson.....	606
Shiloh Methodist Episcopal Church, Abbeville.....	606
Bethlehem Baptist Church, Edgefield.....	606
Bethel Church, Greenville.....	606
Dorchester Baptist Church, Anderson.....	606
Columbia Baptist Church, Greenville.....	606
Neal's Creek Baptist Church, Anderson.....	606
Baptist Church, Manning.....	606
Cheraw Lodge, No. 15, Ancient Free Masons.....	606
Hammond Lodge, No. 7, I. O. Sons of Malta.....	606
Bennettsville Lodge, No. 88, Ancient Free Masons.....	606
Winnsboro Lodge, No. 11, Ancient Free Masons.....	606
Orangeburg Missionary Union.....	606
Mount Bethel Baptist Church, Anderson.....	606
Chester Baptist Church.....	606
St. Luke's Church, Charleston.....	606
Bethesda Baptist Church, Anderson.....	606
Providence Methodist Episcopal Church.....	606
First Creek Baptist Church, Anderson.....	606
Williston Academy, Barnwell.....	606
Fairfield Division, No. 13, Sons of Temperance.....	606
Williamston Male Academy.....	606
Grace Church, Camden, charter renewed.....	607
Milford Baptist Church, Greenville.....	607
Rock Church, Abbeville, charter renewed.....	607
Pacolet Baptist Church, Union, charter renewed.....	607
Episcopal Theological Seminary.....	607
Retreat Church, Pickens.....	608

	PAGE
INCORPORATIONS—	
Southern Baptist Theological Seminary.....	609
Zion Presbyterian Church, Charleston.....	609
Educational Society, Chesterfield.....	609
St. David's Church, Cheraw.....	609
Bluffton.....	678
Buford's Bridge.....	680
Cheraw.....	680
Spartanburg, charter amended.....	680
Lynchburg, corporate name.....	680
Darlington, charter amended.....	681
Columbia, municipal election biennial.....	681
town of Reidville incorporated.....	681
St. Jacob's Evangelical Church, Lexington District.....	682
Bethlehem Evangelical Lutheran Church, Lexington District..	682
Emanuel's Evangelical Lutheran Church, Lexington District...	682
Cedar Grove Evangelical Lutheran Church, Lexington District..	682
St. Peter's Evangelical Lutheran Church, Lexington District...	682
Hopewell Church, Pendleton.....	682
Mount Hope Baptist Church, Williamsburgh.....	682
Mount Ebal Baptist Church, Lexington.....	682
Mount Zion Church, Newberry.....	682
Kingston Presbyterian Church, Horry.....	682
Carmel Presbyterian Church.....	682
Salem Little River Presbyterian Church.....	682
St. George's Baptist Church.....	682
Summerville Presbyterian Church.....	682
Springtown Baptist Church.....	682
State Line Baptist Church, Spartanburg.....	682
Columbia Baptist Association.....	682
Beersheba Church, York District.....	682
Association of Graduates of State Military Academy.....	687
F. Talbird to erect a wharf in Beaufort.....	688
J. Murray to build a wharf in Beaufort.....	688
Charleston Steamship Company.....	688
Provident Institution for Savings.....	689
Unionville Band.....	689
Camden Jockey Club.....	689
Abbeville District Agricultural Society.....	689
Edgefield District Agricultural Society.....	689
Lancaster Saxe Horn Band.....	689
Society Hill and Marlboro' Bridge Company.....	690
Edisto Island Ferry Company.....	690
Palmetto Savings Institution.....	690
Charleston Typographical Society.....	691
South Carolina Stave and Barrel Company.....	691
Fair Grounds Company, Lexington.....	691
Hot and Hot Fish Club, Waccamaw.....	691
Brooks Guards.....	691
Axe, Hook and Ladder Company, Columbia.....	691
Columbia Independent Fire Engine Company.....	692
German Rifle Club, Charleston.....	692

	PAGE
INCORPORATIONS—	
Hamilton Guards, Bluffton.....	692
INSURANCE COMPANIES—	
South Carolina.....	14
Commercial.....	25
Columbia, in the town of Columbia.....	32
The Elmore.....	675
Act to regulate the agencies of, not incorporated in South Carolina.....	483
INSTITUTE—	
the South Carolina, incorporated.....	16
INSTALMENTS OF SOUTH CAROLINA RAILROAD—	
Bank of the State and Comptroller General to make provision for.....	64
Comptroller shall pledge sufficient shares to Bank.....	64
INSPECTION OF FLOUR—	
Act providing for the, amended.....	179
ISEMAN, ISAAC AND MARX—	
certain rights and privileges conferred on, in relation to a certain piece of land.....	261
ITINERANT SALESMEN AND TRAVELLING AGENTS—	
Act to require and regulate the granting of licenses to, repealed,	792
J.	
JASPER LIGHT INFANTRY—	
company authorized and incorporated.....	658
JAMES ISLAND BEAT COMPANY—	
Act to disband and transfer.....	377
JAIL DISCIPLINE—	
Commissioners of Public Buildings to supervise the.....	701
JONES AND KENNEDY—	
authorized to collect tolls at Augusta Bridge.....	228
JOHNSON FEMALE UNIVERSITY—	
incorporated.....	143
powers and privileges.....	144
JOCKEY CLUB—	
the Congaree, incorporated.....	14
JUDGES—	
duties of presiding.....	94
Act to extend to, at Chambers, the power to appoint Commissioners to value lands required for railroads.....	279
an additional law Judge provided for.....	649

	PAGE
JUDGMENTS—	
the collection of interest on, authorized.....	458
JUDICIARY—	
system of the State altered and amended.....	421
JUDICIAL DISTRICT—	
Act to establish Clarendon County as a separate, amended.....	502
JURORS—	
compensation of, increased.....	632
law as to qualification of, amended.....	704
who liable to serve as.....	704
JUSTICE, ADMINISTRATION OF—	
Act to afford increased facilities for the, in Charleston District, amended.....	750
Judge to devote three weeks to sessions business.....	750

K.

KERSHAW DISTRICT—	
Antioch Baptist Church in, incorporated.....	11
KERR, JAMES—	
title vested in.....	109
KERR, JEROME B—	
exempt from militia duty.....	270
KERSHAW LODGE, NO. 9, I. O. O. F.—	
incorporated.....	11
KINLOCH, EMELINE—	
title vested in.....	109
KING'S MOUNTAIN IRON COMPANY—	
incorporated.....	24
KING'S MOUNTAIN RAILROAD COMPANY—	
charter amended.....	81
privileges granted to.....	81
Board of Directors, annual meetings, proxies, election of Direc- tors, and removal of officers.....	81
quorum, vacancies, voting, special meetings, powers, contracts, liabilities.....	82
increase of capital, power to borrow money and issue certificates, &c.....	83
privilege granted to appropriate land.....	84
lands, unappropriated, to vest in the.....	85
other provisions concerning the.....	86
KING'S MOUNTAIN RAILROAD—	
Act to afford aid in constructing the.....	93
Comptroller General to subscribe, how payable.....	93
State not liable for debts of.....	93

	PAGE
KING'S MOUNTAIN RAILROAD—	
rights and privileges of the State in the.....	93
to form junction with Charlotte and Columbia Railroad at Chesterville.....	93
Act to extend the	377
KEOWEE RIVER—	
partial repeal of Act of 1841, relative to obstructing the free passage of fish up the.....	229
KINGSTON—	
additional Commissioners of Free Schools for, appointed.....	631
Parish, (see <i>Roads</i> .)	
L.	
LANCASTER—	
village of, incorporated	14
Commissioners of Poor for District of.....	631
LANDSFORD MANUFACTURING COMPANY—	
incorporated.....	362
capital, &c.....	362
LANCASTER RAILROAD COMPANY—	
incorporated.....	151
duty of Commissioners, &c.....	152
LANE'S FERRY P. O.—	
Act establishing a road from, repealed.....	57
LAURENS RAILROAD COMPANY—	
extension of road to North Carolina line, in the direction of Asheville, authorized.....	254
capital stock increased.....	255
Comptroller General authorized to pay last instalment of State subscription to.....	256
Act to afford aid to the.....	653
LAURENSVILLE—	
town of, charter extended.....	106
LANGSTON, WILLIAM—	
authorized to hawk and peddle in Union District without pay- ment of tax.....	268
LAURENS DISTRICT AGRICULTURAL SOCIETY—	
incorporated.....	601
LAW, ADMIRALTY AND MARITIME—	
Admiralty jurisdiction resumed by State.....	738
City Court of Charleston, original jurisdiction in civil cases.....	738
jurisdiction of Courts of Equity and Common Pleas.....	738
City and other Courts to appoint necessary officers.....	738
juries, trials with and without.....	738
causes transferable from Federal to State Courts.....	739
compensation of City Judge.....	740

	PAGE
LIBERTY—	
name changed to Marion.....	715
LICENSES—	
unlawful for itinerants and trading agents to sell without.....	656
how to be obtained.....	657
record to be kept.....	657
LIMITED PARTNERSHIPS—	
Act authorizing amended.....	713
LEVY AND SALE—	
amount of property exempt from, increased.....	77
appointment and duties of Commissioners to lay off land.....	78
duties and compensation of Clerks of Court.....	78
LEXINGTON—	
St. Peter's Lutheran Church in, incorporated.....	105
See <i>Constitution and Saxe Gotha</i>	123
title in a lot in village of, vested in certain persons.....	629
societies incorporated in.....	682
additional Magistrate appointed for.....	712
Volunteer Rifle Company, incorporated.....	741
Hartville Light Infantry of, incorporated.....	741
Rutledge Mounted Riflemen of, authority to raise.....	742
power of Brigadier General to assign corps in.....	742
LILES, REBECCA—	
title vested in.....	109
LITTLE RIVER—	
exclusive right to navigate.....	175
LIGHT HOUSES AND BEACONS—	
certain parcels of land ceded to U. S. as sites for.....	260
Morris Island.....	260
Thomas' Island.....	260
North and South Island Points.....	260
Capé Island.....	260
East Battery, Charleston.....	260
United States authorized to purchase certain parcels of land for erection of.....	276
fee simple not exceeding fifty acres.....	276
Commissioners to value land.....	277
to be under State jurisdiction, &c.....	277
LUNATIC ASYLUM—	
charge for paupers in, increased.....	633
LYNCHBURG—	
village of, incorporated.....	680
powers and privileges.....	681
LYNAS, MARY—	
title vested in.....	265

	PAGE
LEXINGTON VOLUNTEER RIFLE COMPANY—	
Act to incorporate the, with others.....	741
M.	
MAINTENANCE OF THE PEACE—	
provision for, in relation to duelling.....	518
MARION FIRE ENGINE COMPANY—	
Commissioners of Roads empowered to deliver bond and mort- gage to.....	121
MARION—	
Magnolia Lodge, No. 21, I. O. O. F., at, incorporated.....	103
incorporated.....	306
MARION DISTRICT—	
Gilchrist Bridge in, chartered.....	75
MARION FEMALE COLLEGE—	
incorporated.....	334
MARION DIVISION, No. 2, S. OF T.—	
incorporated.....	11
MARINE RAILWAY AND FLOATING DRY DOCK—	
incorporated.....	12
MARINE CHURCH, CHARLESTON—	
incorporated.....	24
MARS BLUFF FERRY—	
re-chartered.....	75
MARRIAGES—	
See Births, Marriages and Deaths.....	264
MANAGERS OF ELECTIONS—	
law in relation to, amended.....	121
to meet and count votes.....	121
indictment of, for neglect.....	121
exempt from ordinary militia duty.....	575
MANNING—	
streets of, to be opened and worked.....	700
MAYOR AND ALDERMEN OF CHARLESTON—	
day of election and term of office changed.....	173
election to be in November.....	173
voters to pay poll tax.....	173
MALICIOUS TRESPASS—	
Act to make indictable.....	517
MAGISTRATES—	
additional, for Lexington and Georgetown.....	712
special, for the town of Summerville.....	782

MAGISTRATES—	
additional, for Lexington District.....	782
additional, in All Saint's Parish.....	814
Wm. A. Bessant appointed a.....	814
McCLENAGHAN, CUNNINGHAM H. J.—	
see Act concerning Aliens.....	97
McGILL, DANIEL—	
right, title and interest of State in proceeds of personal estate of, vested in Catharine McDonald.....	182
MECHANICS, MATERIAL MEN, &c.—	
payments to, for work on ships, secured, &c.....	633
MEMBERS OF CONGRESS—	
election of, suspended until number of Representatives State is entitled to shall be ascertained.....	88
MERCHANTS' BANK, CHERAW—	
re-chartered.....	221
rights and privileges.....	221
liable to taxation—liability of stockholders.....	221
bills receivable for taxes.....	221
subject to Act of 1840.....	221
re-chartered for twenty-one years.....	286
MERCHANTS' MUTUAL INSURANCE COMPANY—	
incorporated.....	311
capital stock and shares.....	312
privileges, real estate, bonds, Trustees, &c.....	313
organization, votes, business, annual statements.....	314
earnings, profits, guarantee, script, dividends, &c.....	315
deficiencies, liabilities, &c.....	316
MILITARY DIVISIONS—	
of Sumter and Clarendon Districts, established.....	578
of Sumter and Clarendon, confirmed.....	590
MILITIA—	
light infantry company of, authorized in the Thirty-Fourth Regiment.....	658
MILL COMPANY—	
Act to incorporate the West Point.....	773
purposes, real estate, &c.....	773
MILITARY—	
Act providing for a force of.....	726
duties of Governor.....	726
officers, how chosen.....	728
general and field officers, &c.....	729
establishment, Act creating, &c.....	730
artillery, infantry, cavalry.....	731
officers of.....	731
term of enlistment, increase of strength, &c.....	732

	PAGE
MILITARY SCHOOLS—	
Arsenal, at Columbia, and Citadel and Magazine, Charleston, converted into.....	744
cadets of, to constitute a battalion.....	744
other provisions concerning.....	744
MILITARY ENGINEERS—	
a corps of, established.....	745
provisions concerning.....	745
MONTS, JOHN—	
certain children of, legitimized.....	709
MOORE, JOHN J.—	
grant to confirmed.....	64
MORRIS STREET BAPTIST CHURCH—	
incorporated.....	11
MOULTRIEVILLE RAIL OR PLANK ROAD COMPANY—	
incorporated.....	22
MOULTRIEVILLE—	
Commissioners to define dimensions and directions of streets of, &c.....	169
MOUNT TABOR CHURCH—	
incorporated.....	11
MOUNT PLEASANT—	
limits of town of, extended.....	104
Pitt street in, extended.....	178
ferry company in, incorporated.....	601
to embrace Hilliardville.....	614
MOULTRIE HOUSE COMPANY—	
incorporated.....	22
articles of association.....	23
terms of incorporation.....	24
MUNROE, CAMDEN AND PLANK ROAD COMPANY—	
incorporated.....	22

N.

NATION FORD—	
church and school at, incorporated.....	11
NAVAL STORES—	
inspection of.....	500
City Council of Charleston to appoint Inspectors of.....	635
NEAT CATTLE—	
Act to protect the owners of.....	528

NEW CHARLESTON WATER COMPANY—

incorporated.....	40
powers, shares and capital, reservoirs.....	40
subscriptions, officers, Directors.....	41
penalties, jurisdiction.....	42
City Council of Charleston—right to purchase.....	42

NEWBERRY DISTRICT—

new road in, established.....	56
road in, established.....	76
town of Newberry in, charter extended.....	104
village of Frog Level in, incorporated.....	104
Newberry Steam Mills Company in, incorporated.....	106

NEWBERRY, BANK OF—

incorporated.....	191
-------------------	-----

NEWBERRY AND CHESTER RAILROAD COMPANY—

Act to authorize formation of.....	229
route of road, amount of capital.....	229
subscriptions, duty of Commissioners, &c.....	230
elections, votes, rights and privileges, &c.....	231
damages, appeals.....	232
lands, rights.....	233
vehicles, fines and penalties.....	234
limitation of charter—power to draw money.....	235
powers of the Direction of company.....	236
may unite with other roads.....	237
Act of December, 1853, extended.....	299

NEGROES—

Act to prevent free negroes and other persons of color from entering into this State, &c., amended.....	491
Act for the better ordering and governing of negroes and other slaves in this province, amended.....	508

NEW STATE HOUSE—

issue of bonds for the continuation of the construction of the, authorized.....	489
issue of bonds or stock for continuing the, authorized.....	670
Governor to issue bonds for.....	670

NINETY-SIX, VILLAGE OF—

incorporated.....	779
Intendant and Wardens of, time, place, and mode of election of, powers vested in Council of.....	780
powers of Council with reference to patrol, licenses, streets, &c..	781
liability of Intendant and Wardens of.....	782

NINETY-SIX CHURCH—

incorporated.....	796
Trustees of, election of.....	796
property, how much corporation may hold.....	797

	PAGE
NON-RESIDENTS—	
prohibited from hunting, ducking and fishing within the limits of the State.....	355
NORTHERN CIRCUIT—	
sittings of Courts of law on, altered.....	133
NORTHEASTERN RAILROAD COMPANY—	
Act incorporating.....	117
subscription books, Commissioners, &c.....	118
re-opening books, public notice, &c.....	118
location of road, branch roads, &c.....	119
capital stock, instalments, &c.....	120
limitation of charter.....	121
Act incorporating, amended.....	159
aid authorized in the construction of the.....	187
\$250,000 of S. C. Railroad stock to be subscribed.....	188
State not liable for debts of.....	188
Act incorporating, amended.....	325
exempt from tax.....	356
employees of, exempt from jury service.....	356
further aid granted to.....	622
endorsement of bonds of, by State.....	622
NORMAL SCHOOL—	
Act providing for the establishment of a, in this State.....	516
O.	
ODD FELLOWS' SOCIETIES—	
Pee Dee Lodge, No. 12, Darlington C. H.....	11
Kershaw Lodge, No. 9, Camden.....	11
OFFICIAL BOND—	
of the Tax Collector of Lexington, increased.....	521
ORANGE PARISH—	
time of counting votes for Tax Collector of, altered.....	714
ORANGEBURG DISTRICT—	
St. Matthew's Church in, incorporated.....	14
Four Holes Baptist Church in, incorporated.....	103
Commissioners of Public Buildings of, authorized to sell jail lot.....	603
ORDINARIES—	
law in relation to the duties of, in taking administration bonds, altered.....	353
Act of December 21, 1839, Section 4, amended.....	459
ORDNANCE—	
Board of, established.....	52
purchasers of.....	53
officer of, with rank of major, to be appointed.....	53
Board of, to report.....	53

	PAGE
ORDNANCE—	
Engineer, to be appointed.....	53
Board of, and Ordnance Bureau, established.....	732
Governor President of Board of.....	732
Board of, duties of.....	733
Board of, to employ engineer.....	733
ORPHAN HOUSE, CHARLESTON—	
Commissioners of, authorized to elect the youths from, educated and maintained on the bounty of, who shall be allowed to complete their education at the State Military Schools.....	318
once in every four years two to be selected.....	318
 P. 	
PAGEVILLE ACADEMY—	
Trustees of, incorporated.....	103
PALMETTO RIFLEMEN, CHARLESTON—	
incorporated.....	600
PALMETTO SAVINGS INSTITUTION, CHARLESTON—	
incorporated.....	531
PALMETTO FIRE ENGINE COMPANY, COLUMBIA—	
incorporated.....	632
PALMETTO GUARD—	
incorporated.....	103
PALMETTO REGIMENT—	
surviving officers and members of the, exempt from militia duty	137
PAPERS—	
in a cause, how to be filed.....	60
of Superintendent of Public Works to be transferred to office of Secretary of State.....	448
PARCELS OF LAND—	
United States authorized to purchase certain, for light houses and beacon lights.....	276
PALMETTO VOLUNTEERS—	
formation of a company to be called the, within the limits of the Independent Battalion, attached to Thirteenth Regiment of Infantry, authorized.....	749
subject to all laws regulating battalion.....	749
PATROL AND MILITARY GUARD—	
Act to provide for a, in the city of Charleston.....	745
who liable.....	746
Governor to issue arms to.....	746

	PAGE
PEACE AND SECURITY OF THE STATE—	
Act to provide for.....	655
a high misdemeanor to circulate books, &c., calculated to disaf- fect slaves	655
seditious language to be punished	655
subscriptions to newspapers, &c.....	656
Postmaster to notify Magistrate, who may destroy.....	656
PEOPLE'S RAILROAD COMPANY—	
Act to charter the.....	660
Commissioners to raise stock.....	661
powers conferred.....	662
PEE DEE LODGE, NO. 12, I. O. O. F.—	
incorporated.....	11
PENDLETON—	
hotel company in, incorporated.....	103
divided into two election districts—Anderson and Pickens.....	196
town of, charter renewed.....	206
public road in District of, established.....	226
public road in District of, discontinued.....	227
PENDLETON RAILROAD COMPANY—	
chartered	97
subscription books, duties of Commissioners, &c.....	98
power to unite with Greenville and Columbia Company granted	99
branches, rights reserved, &c.....	99
State aid in construction of road authorized.....	145
\$42,500 appropriated to.....	145
subscriptions to, when to be paid.....	146
State not liable for debts of.....	146
annual reports.....	146
rail and plank roads to cross.....	146
PENDARVIS, WILLIAM—	
title vested in.....	109
PEOPLE'S BANK OF CHARLESTON—	
Act to incorporate.....	191
PHYSICIANS—	
compensation of, for <i>post mortem</i> examinations.....	117
PICKENS DISTRICT—	
bridge across Saluda River in, chartered.....	75
turnpike authorized in.....	226
Commissioners of Poor of, authorized to sell certain lands.....	263
time of holding election for Tax Collector of, changed.....	366
PINE GROVE CHURCH—	
incorporated.....	11
PIONEER COMPANY—	
Act to authorize.....	658

	PAGE
PLANTERS' AND MECHANICS' BANK OF SOUTH CAROLINA—	
Act to re-charter.....	191
PLANTERS' BANK OF FAIRFIELD—	
Act to incorporate.....	191
increase of capital stock authorized.....	224
PLANK ROAD COMPANY—	
charter of Hamburg and Edgefield, amended.....	804
PLANK ROAD COMPANIES—	
general incorporation of.....	16
when shall become incorporated.....	17
disputed valuation of land, how settled.....	18
instalments, when to be paid.....	19
roads, how to be constructed.....	20
Directors to report annually to Legislature.....	21
relieved from the necessity of making returns, unless specially called for.....	172
PUBLIC OFFICERS—	
for Spartanburg District, amount of security required of, increased.....	444
PORT ROYAL COMPANY—	
charter extended.....	601
POISON—	
Act to punish attempts to.....	712
POLICE—	
for the State coast, established.....	805
Governor to control and direct the.....	806
POLICE GUARD—	
in the town of Georgetown, provision for the maintenance of...	753
Commissioners to organize and maintain.....	754
tax to be levied for.....	754
PRESBYTERIAN CHURCH, YORKVILLE—	
incorporated	812
PRIMOGENITURE—	
see Rights of.	73
PRIVILY STEALING FROM THE PERSON—	
Act for the punishment of.....	602
PROPERTY—	
power vested in Vestry and Church Wardens of the Parish of St. Thomas and St. Dennis to purchase and sell, for certain purposes.....	504
Act to increase the amount of, exempt from levy and sale, repealed	575
taken for public purposes, compensation to owners of.....	747

	PAGE
PROPERTY, ESCHEATED—	
right and title of the State in, vested in certain persons.....	109, 265, 309, 708, 793
PROSECUTORS AND WITNESSES—	
Act for the relief of, in criminal cases not capital.....	543
PROTECTION COMPANY, OF CHARLESTON—	
incorporated.....	14
PROTESTANT EPISCOPAL CHURCH, IN COLUMBIA—	
incorporated.....	14

Q.

QUARTERMASTER GENERAL—	
duty of.....	53
QUALIFICATION OF JURORS—	
law in relation to the, amended.....	566
QUARANTINE—	
Act to enlarge and extend the powers of the Governor and of the City Council of Charleston over, amended.....	763

R.

RAILROAD COMPANIES—	
law as to proceedings against, altered.....	713
suits against, where commenced.....	713
RAILROAD TRACKS—	
Act to punish obstructions on.....	91
RAILWAY—	
Floating Dry Dock and Marine	12
RAILWAY SHARES—	
belonging to State, released from pledge.....	174
RAILROAD COMPANY, LAURENS—	
Act to amend the charter of the.....	782
President and four Directors a quorum.....	783
RAILWAY COMPANY—	
Act to incorporate the Charleston City.....	791
capital stock.....	791
railway tracks, property, &c.....	791
bonds and coupons, power to issue.....	792
RAILWAY, CITIZENS' LINE—	
Act to incorporate the, of Charleston.....	802
general privileges and liabilities.....	803
may issue bonds.....	803

RAILROAD, GEORGETOWN—	
Act to aid in the construction of.....	794
bonds, how endorsed and used.....	794
endorsement a lien on road.....	795
no prior mortgage to be created.....	795
reserved rights of State.....	796
charter of, amended.....	810
empowered to extend road to Bishopville, S. C.....	810
stock qualification for President and Directors.....	810
authorized to construct bridge without draw.....	810
RAILROAD COMPANY, BARNWELL—	
Act to incorporate the.....	807
capital stock.....	807
when to organize.....	807
charter of G. & C. R. R. extended to.....	808
RAILROADS—	
Greenville and French Broad, incorporated.	428
Air Line, incorporated.....	439
Charleston and Savannah, aid in construction of.....	467
RAILROAD, GREENVILLE AND COLUMBIA—	
name and credit of State, in re-adjustment of debt, lent to.....	756
bonds of, endorsed by Comptroller General, how used.....	756
bonds of, where deposited as security.....	757
property of, mortgaged.....	757
Comptroller General and President of Bank, Commissioners to manage fund.....	757
failure to pay bonds and interest, bill filed.....	758
RAILROAD COMPANY, BUFORD'S BRIDGE—	
Act to incorporate.....	761
capital stock of.....	761
when to organize.....	762
charter of G. & C. R. R. Co. extended to.....	762
RAILROAD COMPANY, CENTRAL—	
Act to incorporate.....	776
capital stock of.....	776
when to organize.....	777
charter of Charleston and Savannah Railroad to attach to.....	778
shares personal property.....	778
meetings, annual and special.....	779
incorporated for fifty years.....	779
RAILROAD, BENNETTSVILLE AND SOCIETY HILL—	
Act to incorporate the.....	808
books to be opened—Commissioners.....	808
when to organize.....	809
charter of Northeastern Railroad extended to.....	809
RANGING TIMBER—	
a uniform system of measuring, provided for.....	378

	PAGE
RED OAK GROVE CHURCH—	
incorporated	11
REAL ESTATE—	
Act to confer upon alien widows the right to take and hold.....	502
RECIPROCAL PRIVILEGES—	
granted to citizens of South Carolina and Georgia, in relation to Bridges over Savannah river.....	108
REIDVILLE—	
incorporated.....	681
RELIGIOUS AND CHARITABLE SOCIETIES—	
certain, incorporated, and charters of others renewed.....	137
REMUNERATION—	
Act for the, of certain persons, amended.....	562
REPRESENTATION—	
Act to apportion the.....	645
RESOLUTIONS—	
relative to elections.....	124-126
reported by Committee on Privileges and Elections.....	579
REGISTRATION—	
See Births, Marriages and Deaths.....	264
law relating to, amended.....	618
REGULATE APPEALS—	
arising under the City Ordinances of Charleston.....	562
RICHLAND—	
Commissioners of Public Buildings of, authorized to sell part of jail lot.....	710
RICHLAND LIGHT DRAGOONS—	
incorporated.....	14
RIGHTS OF PRIMOGENITURE—	
Act to abolish, &c.....	73
RIFLEMEN, CADET—	
Charitable Society of, Charleston, incorporated.....	14
RIFLE BATTALION—	
in St. Philip and St. Michael Parishes, established.....	269
subject to militia laws.....	269
Act to establish, amended.....	527
RIFLES—	
a Regiment of, in Charleston, provided for.....	659
ROADS, BRIDGES AND FERRIES—	
Acts establishing, re-chartering and repealing certain.....	56, 74, 161, 225, 410, 435, 533, 615, 698, 788

	PAGE
ROAD LAW—	
Act to amend the.....	642
ROAD DUTY—	
teachers and students exempted from.....	712
ROADS, COMMISSIONERS OF—	
number of, for Kingston Parish increased.....	812
ROBERTS' CHURCH—	
incorporated.....	11
ROEBUCK BAND—	
incorporated.....	14
S.	
SALARIES—	
of Chief Justice and Associate Judges.....	648
SALESMEN, ITINERANT—	
see Licenses.....	656
SALE OF CERTAIN LANDS—	
Act to provide for the.....	544
SALUDA RIVER—	
ferry over, established.....	57
Wilson's Bridge over, re-chartered.....	76
SALUDA GUARDS—	
Act to authorize the formation of the.....	629
SANDY SPRINGS CAMP GROUND—	
incorporated.....	11
SAVANNAH PLANK ROAD COMPANY—	
incorporated.....	24
SAVANNAH RIVER—	
Sand Bar Ferry on, re-chartered.....	75
see Reciprocal Privileges for Building Bridges over.....	108
SAVANNAH RIVER VALLEY RAILROAD COMPANY—	
Act to authorize the formation of the.....	171
Act authorizing formation of, amended.....	286
charter of the, amended.....	391
SAVINGS BUILDING AND LOAN ASSOCIATION—	
Act to incorporate the.....	667
SAXE-GOTHA—	
Bill to amend Constitution, changing name of.....	123, 196
SCHOOLS—	
Trustees of Reidville High Schools incorporated.....	529
charter of Cokesbury School amended.....	559

	PAGE
SEAMEN—	
Act in relation to kidnaping.....	352
SECTIONS OF CERTAIN ACTS—	
Act for the suspension of.....	539
SENECA RIVER—	
toll bridge over, in Anderson District, established.....	57
SETTING FIRE TO THE WOODS—	
Act to increase the penalty for.....	528
SIX-AND-TWENTY BAPTIST CHURCH—	
incorporated.....	11
SHERIFFS—	
required to give notice of money collected by them.....	460
certified copies of entries from the books of, authorized to be given in evidence	473
law in relation to, amended.....	674
to pay over money within one month.....	674
death of, provided for.....	674
SHOE AND LEATHER MANUFACTURING COMPANY—	
Act to incorporate the.....	797
SLANN'S BRIDGE—	
re-chartered.....	56
SLAVES—	
Act of 1740, in relation to, amended.....	629
cruel punishment of, illegal.....	630
executed, compensation for, increased.....	633
Court to appraise.....	634
absent from owner's premises, form of permits for prescribed....	734
SMITH AND GRAHAM'S BRIDGE—	
re chartered.....	56
SPARTANBURG DISTRICT—	
Church of the Advent in, incorporated.....	11
Calvary Church, at Glenn's Springs in, incorporated.....	11
powers of Commissioners of Roads of, increased.....	660
road in, made public.....	698
land of Patrick O'Shansey in, escheated.....	708
town of Spartanburg in, charter amended.....	680
SPARTANBURG AND UNION RAILROAD—	
State aid authorized in the construction of the.....	59
State not liable for debts of.....	59
junction of roads.....	60
Act authorizing aid to, amended.....	179
when State subscription to be paid.....	180
extension of, in direction of Asheville, authorized.....	252
charter of, amended.....	356

	PAGE
SPARTANBURG FEMALE COLLEGE—	
Act to incorporate the.....	302
annual Conference to elect Trustees of.....	303
SPARTAN TROOP—	
formation of, authorized.....	750
SOCIETIES, COMPANIES, &c.—	
incorporated, charters renewed and amended, &c...66, 78, 80, 81,	
87, 89, 92, 96, 97, 99, 101, 103, 105, 106, 107, 117, 122,	
170, 207, 208, 209, 210, 211, 319, 320, 321, 322, 323, 358,	
359, 360, 371, 385, 386, 387, 388, 427, 443, 454, 460, 462,	
464, 469, 488, 493, 501, 535, 553, 576, 611, 687, 759, 760,	
761, 798, 799, 800, 801	801
SOCIETY FOR RELIEF OF ELDERLY AND DISABLED MINISTERS, &c.—	
charter of revived.....	611
SONS OF TEMPERANCE—	
Marion Division, No. 2, incorporated.....	11
SOUTH CAROLINA COLLEGE—	
Act in relation to the Trustees of.....	267
SOUTH CAROLINA VOLUNTEERS—	
in Florida war, survivors of, exempt from ordinary militia duty, 270	
SOUTH CAROLINA SAVINGS AND BUILDING ASSOCIATION—	
Act to incorporate the.....	326
SOUTHERN MUTUAL LIFE INSURANCE COMPANY—	
Act to incorporate the.....	310
SOUTHWESTERN RAILROAD BANK—	
Act to extend the charter of	622
SOUTH CAROLINA RAILROAD COMPANY—	
certain lots in Columbia vested in.....	116
authorized to construct bridge over the Congaree.....	160
authorized to construct bridge over the Wateree.....	255, 602
SOUTH CAROLINA BUILDING AND LOAN ASSOCIATION—	
incorporated.....	78
SOUTH CAROLINA ANNUAL CONFERENCE—	
incorporated.....	11
charter amended.....	122
SOUTHERN CONGRESS—	
Act to provide for appointment of Deputies to.....	50
SOUTH ISLAND ROAD—	
Commissioners of, authorized to levy tax in lieu of road duty...	228
ST. HELENA PARISH—	
independent battalion in, authorized.....	627

	PAGE
ST. MATTHEW'S PARISH—	
Pine Grove Church in, incorporated.....	11
Trinity Church in, incorporated.....	11
additional Commissioners of Free Schools for.....	631
ST. MATTHEW'S CHURCH—	
incorporated.....	14
ST. PAUL'S RIFLES—	
formation of, authorized.....	741
to be received into the Thirteenth Regiment of Infantry.....	741
ST. PETER'S PARISH—	
Beach Branch Baptist Church in, incorporated.....	14
ST. PHILLIP'S AND ST. MICHAEL'S—	
due compensation restored to Tax Collector of.....	65
ST. LUKE'S PARISH—	
Euhaw Baptist Church in, incorporated.....	105
ST. GEORGE'S DORCHESTER—	
road in, established.....	74
ST. BARTHOLOMEW'S PARISH—	
public road in, established.....	226
Commissioners of Poor in, to sell certain lands.....	266
election for Commissioners of Poor in.....	266
additional Commissioner of Roads appointed for.....	701
ST. PHILLIP AND ST. MICHAEL—	
Act establishing Rifle Battalion in.....	269
ST. JOHN'S BERKELEY PARISH—	
road in, established.....	57
STATE—	
Act to provide for the defense of.....	52
STATE BANK—	
charter of, renewed.....	217
subject to Act of 1840.....	217
not to pay out bills of other banks, &c.....	218
STATE CAPITOL—	
Act to provide funds for the erection of.....	270
STATE ROAD—	
over the Saluda Mountains, leased.....	360
STATE HOUSE, NEW—	
Act to issue bonds for.....	598
when bonds to be redeemed.....	598
Bank of the State appointed agent.....	599
issue of bonds or stock for continuing construction of, authorized.....	771

	PAGE
STUDENTS—	
Act to prohibit collection of demands against.....	260
STAVE AND BARREL COMPANY—	
Act to incorporate the South Carolina.....	628
STEAM PACKET COMPANY—	
See Carolina Steam Packet Company.....	625
STONY BLUFF FERRY—	
re-chartered	56
STREAMS—	
Act to declare a certain description of, navigable.....	268
SUPPLIES—	
Act to raise, for 1850.....	3
1851.....	67
1852.....	126
1853.....	197
1854.....	271
1855.....	344
1856.....	415
1857.....	509
1858.....	582
1859.....	635
1860.....	715
SUSPENSION OF SPECIE PAYMENTS—	
Act to amend the law in relation to.....	668
Section of Act of 1857, repealed.....	669
SWAMPS—	
Act to promote the draining and improvement of inland.....	485
SWEDISH IRON MANUFACTURING COMPANY—	
incorporated.....	36
SWEAT, ELLEN—	
title vested in.....	708
SUDDUTH, PETER F—	
title vested in.....	708
SULLIVAN'S ISLAND—	
Rail or Plank Road Company on, incorporated.....	21
SUMMERVILLE—	
town of, incorporated.....	14
SUMTER DISTRICT—	
Moriah Baptist Church in, incorporated.....	103
public road in, established.....	227

	PAGE
SUMTER, TOWN OF—	
Presbyterian Church in, charter of renewed.....	105
Bank of, incorporated.....	191
Act to amend the charter of.....	810
authorized to subscribe to Central Railroad.....	810
Council of, powers and privileges.....	811
T.	
TAX COLLECTOR—	
of St. Philip's and St. Michael's, due compensation restored to..	65
office of, for Winyah, abolished.....	317
Salem County, abolished.....	426
Act prescribing mode of electing, amended.....	482
time of election of, in Pickens District, altered.....	497
TAX COLLECTORS' BONDS—	
Act to regulate the amount of the penalty of.....	672
TEACHERS AND STUDENTS—	
exempt from road duty.....	712
TELEGRAPH COMPANY—	
Columbia and Charlotte, incorporated.....	288
rights and privileges of.....	289
TEMPERANCE, SONS OF—	
Marion Division, No. 2, incorporated.....	11
TENURE OF LOTS—	
on Sullivan's Island, Act to declare the.....	521
THEOLOGICAL SEMINARY—	
of South Carolina and Georgia, Board of Directors of, in- corporated.....	305
of the Protestant Episcopal Church in the Diocese of South Carolina.....	607
TIMBER—	
Act to provide for the measurement of, in the city of Charle- ston.....	259
TOTNESS, VILLAGE OF—	
incorporated.....	39
TOWNS AND VILLAGES—	
charters of, granted, renewed, altered, amended, &c :	
Abbeville.....	449, 784
Adams' Run.....	134
Anderson.....	402, 556
Bamberg.....	401
Belton.....	401
Blackville.....	613, 783
Bluffton.....	678

	PAGE
TOWNS AND VILLAGES—	
Branchville.....	612
Buford's Bridge.....	680
Camden	783
Chester.....	204
Cheraw.....	205, 243, 784, 680
Clinton.....	453
Columbia.....	293, 681
Conwayboro.....	406
Darlington.....	681
Edgefield.....	203, 340
Frog Level.....	556
Greenville.....	203, 403
Greenwood.....	572
Georgetown.....	206, 331, 558
Hamburg.....	323
Honey Path.....	401
Lancaster.....	407
Laurensville.....	135
Lexington.....	786
Lowndesville.....	343
Lynchburg.....	680
Manning.....	783
Marion.....	306, 613
Moultrieville.....	343
Mount Pleasant.....	336, 556
Orangeburg.....	343, 453, 784
Pendleton.....	206, 557
Pickens.....	458, 558
Pickensville.....	611
Reidville.....	681
Selma.....	556
Spartanburg.....	134, 406, 784, 680
Summerville.....	343, 453
Sumterville.....	406
Timmons ville.....	556
Unionville.....	371
Walhalla.....	404, 556
Walterboro.....	555
Williamston.....	135, 401
Williston.....	612
Yorkville.....	340, 408, 787
TRADESMEN—	
Act to secure to, payment for work on ships.....	633
TRADING WITH SLAVES—	
Act to amend the law in relation to.....	526
TRAPP, WILLIAM H—	
exclusive right vested in, to navigate Little River.....	175
TRESPASSES—	
Act of 1857, relating to, amended.....	772

	PAGE
TRINITY CHURCH—	
in St. Matthew's Parish, incorporated.....	11
in Columbia, incorporated.....	14
TRUSTEES—	
see South Carolina College.....	267
TUCKER, ATTICUS—	
children of, legitimized.....	65
TURNPIKE COMPANY—	
see White Water Falls.....	80
Erasstown and Panther Creek, incorporated.....	664
TURNPIKE ROADS—	
Act to repeal Act of 1838, relating to.....	630
TYPOGRAPHICAL SOCIETY—	
Charleston, incorporated.....	14

U.

UNIONVILLE—	
street in, established.....	75
UNION DISTRICT—	
road in, established.....	75
public road in, established.....	227
UNION BANK OF SOUTH CAROLINA—	
Act to re-charter.....	191
UNITED STATES—	
authorized to purchase certain parcels of land for Light Houses, &c.....	276, 506
authorized to purchase land in Columbia for the erection of a postoffice and court house.....	526

V.

VIGILANT FIRE ENGINE COMPANY, CHARLESTON—	
incorporated.....	14
VOLUNTEERS—	
company of riflemen in Independent Battalion authorized.....	424
Act to promote the efficiency of the system.....	435
companies in 36th and 41st Regiments Infantry authorized.....	482
Beaufort Artillery, Act amended.....	506
VOLUNTEER ARTILLERY COMPANY—	
Act authorizing formation of a.....	66
VOLUNTEER BATTALION—	
formation of, authorized, to be attached to the 23d Regiment S. C. M.....	278
companies in, not to exceed six.....	278
Columbia Artillery and Emmett Guards.....	279

W.

PAGE

WACCAMAW RIVER—	
Rial's Ferry on, re chartered.....	76
Cox's Ferry on, re-chartered.....	76
WASHINGTON ARTILLERY—	
incorporated.....	610
WASHINGTON FIRE ENGINE COMPANY—	
Commissioners of Cross Roads of Charleston Neck to deliver bond and mortgage to.....	110
WATER COMPANY—	
Charleston, incorporated.....	279
WATEREE MANUFACTURING COMPANY—	
incorporated.....	46
when to go into operation, &c.....	47
of officers and annual reports of.....	48
WATEREE RIVER—	
S. C. R. R. Company authorized to build a bridge over.....	255
see S. C. R. R. Company.....	602
WATEREE AND HAMBURG RAILROAD COMPANY—	
chartered.....	248
capital stock.....	249
other companies may connect with.....	249
WATEREE EMBANKMENT COMPANY—	
incorporated.....	665
WEIGHTS AND MEASURES—	
law in relation to, amended.....	263
each District to be furnished with.....	263
WESTERN BANK OF SOUTH CAROLINA—	
Act to incorporate.....	191
time for receiving subscriptions to, extended.....	258
WESTERN CIRCUIT—	
Act to alter sittings of Courts of law on.....	261
WOFFORD COLLEGE—	
Act to incorporate.....	90
WHITE WATER FALLS TURNPIKE COMPANY—	
Act to incorporate the.....	80
capital stock, amount of, &c.....	80
liability of, for neglect.....	81
WILLIAMSBURG—	
road in District of, established.....	76
Presbyterian Church of, incorporated.....	103
Commissioners of Poor for.....	630
Commissioners of Public Buildings of, authority to sell lots.....	711

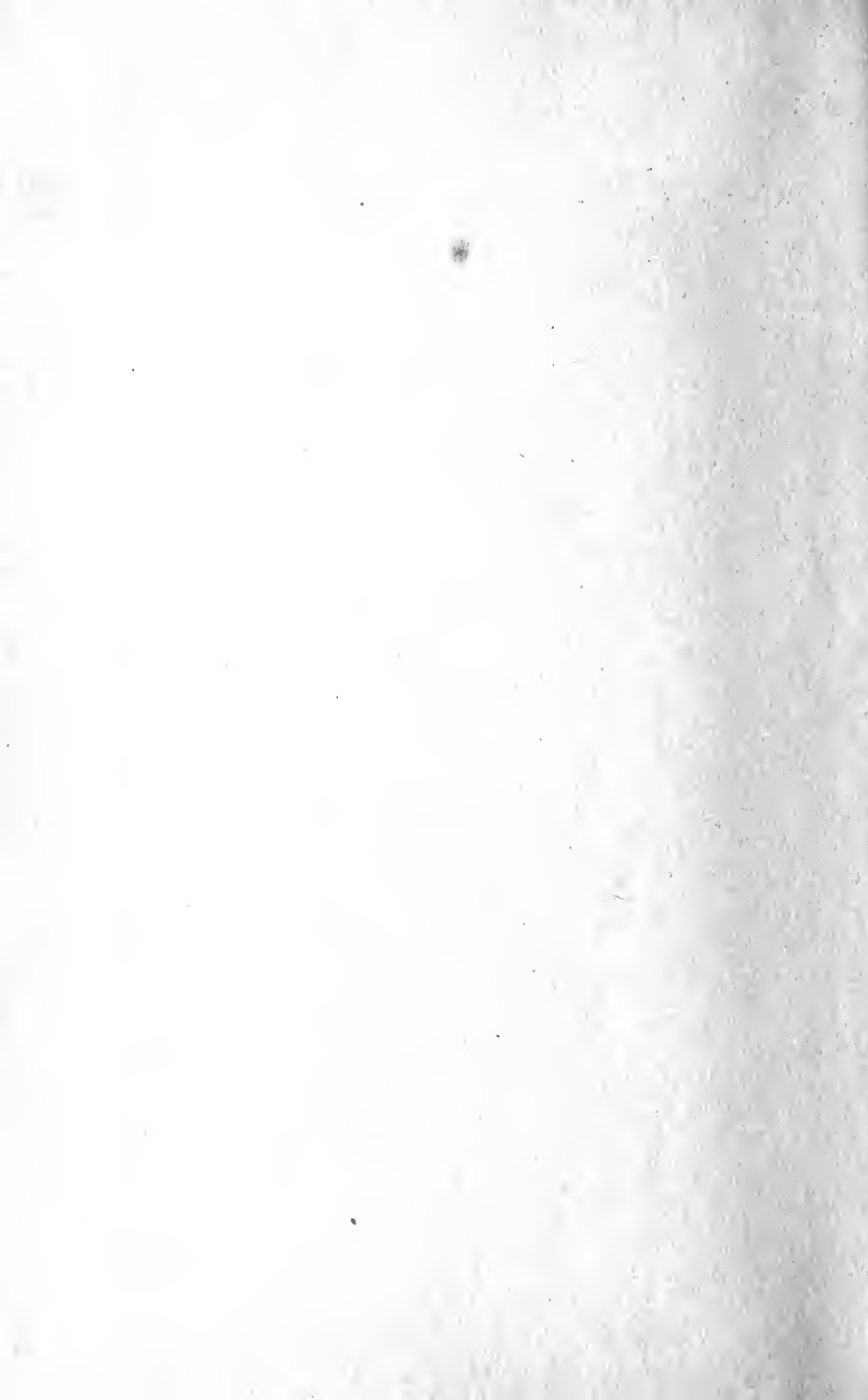
	PAGE
WILSON, EPHRAIM—	
title vested in.....	109
WINNSBORO—	
corporate limits of town of, extended.....	14
see Bank of.....	110
WILMINGTON AND MANCHESTER R. R. CO.—	
charter amended.....	132
charter amended.....	341
charter amended.....	709
WILLS AND DEEDS—	
law in relation to words of limitation in, amended.....	262
WILFUL NEGLECT OR MISCONDUCT—	
by railroad conductors and engineers, punished.....	542
WILLS AND TESTAMENTS—	
Act to alter the law in relation to.....	597

Y.

YORK DISTRICT—	
certain roads in, made private paths.....	229
YORKVILLE—	
Town Council of, authorized to issue bonds.....	267
YORKVILLE FEMALE INSTITUTE AND MARION FE- MALE COLLEGE—	
Act to incorporate.....	334







USC Coleman-Katsh Law Library



1 300 01199757

