

LAW OF THE STATE.

Acts and Joint Resolutions, Passed by the General Assembly of South Carolina, Session of 1870-71.

[OFFICIAL]

AN ACT DECLARING THE RIGHT OF WAY ACROSS THE SAVANNAH AND CHARLESTON RAIL ROAD.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John R. Dickinson, E. A. Dickinson, John Jones and Henry A. Smith, shall be, and are hereby, authorized to obtain the right of way across the Savannah and Charleston Rail Road, in the manner prescribed in an Act entitled "An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations may be taken for the occupation and uses of railways, and other works of internal improvement," approved the twenty-second day of September, 1838.

Sec. 2. That they, the said John R. Dickinson, E. A. Dickinson, John Jones and Henry A. Smith, shall at all times conform with the schedule of the Savannah and Charleston Rail Road and in no instance cross in fifteen minutes of the time any train is due, and it shall be the duty of the Savannah and Charleston Rail Road Company to give the said parties, John R. Dickinson, E. A. Dickinson, John Jones and Henry A. Smith, or their agents, notice in writing, three days in advance, of any change in their schedule: Provided, That the said John R. Dickinson, and others, shall not be allowed to carry passengers.

Sec. 3. All Acts, or parts of Acts, inconsistent with this Act, are hereby repealed.

Approved the 7th day of March A. D. 1871.

AN ACT TO REQUIRE THE STATE TREASURER TO PAY COUNTY TREASURERS THE APPORTIONMENT OF THE STATE SCHOOL FUND FOR THEIR RESPECTIVE COUNTIES, AND FOR OTHER PURPOSES.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That within fifteen (15) days after the apportionment by the Superintendent of Education, of the State School Fund, and the annual taxes collected by the State for the support of schools, required by Section 17 of an Act entitled "An Act to establish and maintain a system of Free Common Schools for the State of South Carolina," approved February 10th, 1870, the State Treasurers shall pay the several County Treasurers the apportionment of the fund and taxes above said belonging to their respective Counties, according to the certificate of the State Superintendent of Education.

Sec. 2. That the several County Treasurers shall retain all the poll tax collected in their respective Counties; and it is hereby made the duty of the said County Treasurers, in collecting the poll tax, to keep an account of the exact amount of said tax collected in each Parish or Township in his County, and the poll tax collected therein shall be expended for school purposes in the Parish or Township from which it was collected.

Sec. 3. Any violation of this Act, by the State or County Treasurers, shall constitute, and it is hereby declared a misdemeanor, and on conviction thereof, the said State and County Treasurers shall pay a fine of not less than \$300 nor more than \$5,000, to be used for school purposes in the County suffering from such violation of this Act, or imprisonment, in the discretion of the Court.

Approved the 1st day of March A. D. 1871.

AN ACT TO ENABLE JUDGMENT DEBTORS TO SELL THEIR REAL AND PERSONAL PROPERTY, AND TO CONFIRM SALES ALREADY MADE, IN CONFORMITY WITH CONDITIONS HEREIN SPECIFIED.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, judgment debtors may, and they are hereby, authorized and empowered to sell and convey any or all of their real and personal property which may at the time be subject to levy and sale, to satisfy any judgment or decree of any Court in this State against the said debtor, and to pay over the entire proceeds of said sale or sales to the Sheriff in whose office such judgments, executions or decrees are lodged, to be applied by said Sheriff towards the satisfaction of the same; and provided no objection shall be made in writing by either of the judgment creditors and filed with said Sheriff as to the price at which the said property may have been sold within three months from and after the time such payment shall have been made, the said sale or sales shall thereupon be considered and confirmed; and the said Sheriff shall make the following endorsement on the back of the deed or deeds of conveyance, viz: "No objection having been filed in my office to the within bargain and sale within the time prescribed by law, this bargain and sale is therefore confirmed," the same to be dated and signed officially by said Sheriff.

Sec. 2. Be it further enacted, Should either of the judgment creditors object to the prices at which any of the said property may have been sold, and file such notice with the Sheriff within the time before mentioned, the Sheriff shall immediately proceed to levy upon and offer for sale said property, proceeding in all respects, according to the law in regard to levy and sale by the Sheriff; and the highest bid made for said property shall not be more than the amount of the indebtedness which had been cancelled by the sale made by the debtor, the Sheriff shall withdraw said property from sale, and the creditor or creditors who may have filed their objection shall be required to pay all costs and expenses that accrued in consequence thereof. The Sheriff shall make the following endorsement on the back of the conveyance made by the debtor, viz: "Objection having been filed in

my office by judgment creditor, I levied upon and exposed for sale the property within named; and failing to receive a higher bid than the amount of indebtedness cancelled by the proceeds of the within bargain and sale, the sale is therefore confirmed," and signed as directed in Section 1 of this Bill.

Sec. 3. Be it further enacted, That in the event that the property when exposed for sale by the Sheriff, as provided for in Section 2, should be more than the amount of the indebtedness cancelled by the proceeds of the sale made by the debtor, the purchaser from the debtor shall be refunded the amount paid by him, with interest from the time of payment, and the bargain and sale made by the Sheriff to the purchaser at his sale; and after deducting the costs and expenses by reason of the levy and sale, the remainder to be applied, according to law, towards satisfaction of the judgment or executions in his office.

Sec. 4. Be it further enacted, That all sales of either real or personal property made by judgment debtors, and the entire proceeds of said sales having been paid into the Sheriff's office to be applied toward the satisfaction of the demands in that office against such debtor prior to the passage of this Act shall be considered confirmed, unless objections to the price at which said property had been sold shall be made by any of the judgment creditors within three months from and after the passage of this Act; and provided objections shall be filed, as specified in Section 2 of this Act, in such case the Sheriff shall proceed as directed in Sections 2 and 3 of this Act.

Sec. 5. Be it further enacted, That all Acts and parts of Acts, inconsistent with this Act, are hereby repealed.

Approved March 7, 1871.

JOINT RESOLUTIONS AUTHORIZING THE STATE TREASURER TO RE-ISSUE TO JOHN PHILLIPS, EXECUTOR OF JOHN CAMPBELL, DECEASED, CERTIFICATES OF STATE STOCK.

Whereas, it appears by the books of the State Treasurer, that there has been duly issued certain certificates of State stock, to the amount of five thousand six hundred and sixty dollars (\$5,660) to John Phillips, Executor of John Campbell, deceased, and whereas, said stock was lost or destroyed at the burning of Columbia, in February 1863; and whereas, it is equitable and just that the stock should be re-issued on the part of the State; therefore, be it

Resolved, by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized, to re-issue to said John Phillips, Executor of John Campbell, deceased, certificates of stock of the same amount, payable at the time, and bearing the same rate of interest, as those lost or destroyed; and that the said John Phillips is hereby required to deposit with the State Treasurer a bond, legally executed, in the penal sum of eleven thousand three hundred and twenty dollars (\$11,320) to indemnify the State against loss.

Approved March 2d, A. D. 1871.

JOINT RESOLUTION AUTHORIZING THE STATE TREASURER TO RE-ISSUE STOCK OF THE STATE OF SOUTH CAROLINA.

Be it Resolved, by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer is hereby authorized and directed to issue certificates of State of South Carolina Stock No. 53, for \$5,000, due July 1st, 1870, interest six per cent, to Rinaldi S. Cohen, Executor of estate S. T. Cohen.

Approved March 9th, A. D. 1871.

AN ACT TO CHARTER THE SOUTH CAROLINA PHOSPHATE AND PHOSPHATIC RIVER MINING COMPANY, IN THE STATE OF SOUTH CAROLINA, AND TO GRANT TO THE PERSONS THEREIN NAMED, AND THEIR ASSOCIATES, THE RIGHT TO DIG AND MINE IN THE BEDS OF THE NAVIGABLE STREAMS AND WATERS OF THE STATE OF SOUTH CAROLINA FOR PHOSPHATE ROCKS AND PHOSPHATE DEPOSITS.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State of South Carolina does hereby give and convey unto the following persons, to wit: R. B. Elliott, Robert Smalls, W. J. Whipper, N. B. Meyers, Lucius Wimbush, W. B. Nash, S. A. Swails, H. J. Maxwell, James M. Allen, W. H. Jones, R. A. Besenon, R. Byas, Edward Micky, E. Nehemias, W. R. Jervey, J. N. Hayne, Timothy Hurley, Anson W. Thayer, John B. Bates, J. C. Mayo, James M. Croft, F. J. Moses, Jr., A. J. Bandler, C. W. Montgomery, B. F. Whitmore and R. A. Sisson, and such other persons as they may associate with them, the right to dig, mine and remove, for the full term of thirty years, from the beds of the navigable streams and waters within the jurisdiction of the State of South Carolina, the phosphate rocks and phosphatic deposits: Provided, That the persons named, and their associates, shall not in any way interfere with the free navigation of the navigable streams and waters of this State, or the private rights of any citizen or citizens residing upon or owning the lands upon the banks of the said navigable rivers and waters of the State.

Sec. 2. That this gift and grant shall be made upon the express condition that said grantees shall pay to the State of South Carolina the sum of one (1) dollar per ton for every ton of phosphate rock and phosphatic deposits, dug, mined and removed from the said navigable rivers and waters of the State: And further, That the said grantees shall pay into the Treasury of the State the sum of five hundred dollars as a license fee before commencing business under said grant.

Sec. 3. Before commencing operations under authority of this Act, said grantees and their associates, shall file and cause to be filed in the office of the State Auditor or in the office of the State Auditor, a true and correct copy of fifty thousand (\$50,000) bonds, conditioned that said grantees and their associates, shall make true and faithful returns to said State Auditor, annually,

or before the first day of October, and if required by the said State Auditor, of the number of tons of phosphatic rocks and phosphatic deposits dug, mined and removed by them from the beds of the navigable streams and waters of the State, and shall punctually pay to the State Treasurer, annually, on the first day of October, one (1) dollar per ton for every ton of phosphatic rocks and phosphatic deposits by them dug, mined and removed from the beds of the navigable streams and waters of the State, during the year preceding; said bond to be renewed annually, and approved by the Attorney-General. The books of said grantees and their associates shall be open to the inspection of the State Auditor, or agent duly appointed by him for that purpose.

Sec. 4. That the capital stock of said Company shall consist of two millions (\$2,000,000) dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to an amount not exceeding five million dollars; and when the sum of three hundred thousand dollars shall have been subscribed, the said Company may be organized and go into operation.

Sec. 5. That the profits of said Company may, from time to time, be divided among the stock holders according to such rules and regulations as they may prescribe, not repugnant to the laws of the State.

Sec. 6. That the stock of said Company may be transferred in such manner and form as may be directed by the laws of the Company.

Sec. 7. The said Company shall be entitled to all the rights and privileges accorded to other corporations incorporated by the laws of this State: Provided, That nothing in this Act shall be construed as giving to the said South Carolina Phosphate and Phosphatic River Mining Company the exclusive right to dig and mine in the navigable rivers and waters of the State.

Sec. 8. All Acts and parts of Acts inconsistent with this Act, are hereby repealed.

Approved the 19th day of March, A. D. 1871.

AN ACT TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM PORTIONS OF THE COUNTIES OF BARNWELL, EDGEFIELD, LEXINGTON AND ORANGEBURG, TO BE KNOWN AS AIKEN COUNTY.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a new judicial and election County, with its seat of justice located at the town of Aiken, which County shall be known as Aiken County, shall be formed, and is hereby authorized to be formed, from portions of the present Counties of Barnwell, Edgefield, Lexington and Orangeburg, with the metes and bounds hereinafter described, to wit: commencing at the mouth of Fox's Creek, in Edgefield County, where it empties into Savannah River, thence in a straight line to where the South branch of Chiquippia Falls Creek (a tributary of the North Edisto River) intersects the Edgefield and Lexington line; thence down said creek to where it empties into the North fork of the Edisto River, and down the said north fork to where the dividing line between Lexington and Orangeburg Counties (running from Big Beaver Creek to the North fork of the Edisto) touches said river; thence down said creek to where it empties into the Upper Three Runs, and down said Runs Creek to where it empties into the Savannah River; thence up the Savannah River to the initial point at the mouth of Fox's Creek.

Sec. 2. That any Incorporation formed in compliance with the terms of this Act is hereby empowered and authorized to issue bonds secured by a lien on the property of said Corporation, to an amount not exceeding the value of the property owned by said Corporation, with interest on said bonds, payable semi-annually; and it is further provided, that any Corporation formed in compliance with the terms of this Act, is hereby authorized and empowered to issue additional bonds to such an amount, that the interest thereon, at eight per cent. per annum, shall not exceed the net income of said Corporation.

Approved the 9th day of March, A. D. 1871.

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THE invaluable Family Medicine, for purifying, cleansing, removing bad odors in all kinds of sickness: for burns, sores, wounds, stings; for Erysipelas, rheumatism, and all skin diseases; for catarrh, sore throat, diphtheria; for colic, diarrhoea, cholera; as a wash to soften and beautify the skin; to remove ink spots, millow, fruit stains; taken internally as well as applied externally; is highly recommended by all who have used it—For sale by all Druggists and Country Merchants, and may be ordered direct of the

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Feb 1

ONE DOSE OF DR. SHALLENBARGER'S Fever and Ague ANTIDOTE Always cures the chill.

THE Medicine has been before the Public fifteen years, and is still ahead of all other cholera remedies. It is perfectly safe in any case and under all circumstances, and is the only Medicine that will cure immediately and permanently every case of Fever and Ague, because it is a perfect Antidote to Malaria.

Sec. 7. That from and after the fourth day of October, A. D. 1872, all suits pending in the Courts of Barnwell, Edgefield, Lexington and Orangeburg, of the said Counties, now established as the County of Aiken, and all judgments now pending in the Courts of said Counties, where the offence was committed in those parts of the said Counties, now established as the County of Aiken, shall be transferred to the docket of the Courts of the said County of Aiken, and all records, commissions, and other papers belonging to any of the said suits or judgments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of the said County of Aiken, and all writs and other processes already issued and made returnable to the Fall term of the Courts of Barnwell, Edgefield, Lexington and Orangeburg, where the defendants in the said cases reside in the parts of the said Counties now established as the County of Aiken, shall be as valid and effectual as though they had been issued to the Fall term of the Court of the said County of Aiken; and the service of such processes by the Sheriff of any of the said Counties shall be as good and effectual as a service to the Fall term of the Court of the said County of Aiken, and all such writs and processes shall be transferred by the Clerks of the Courts of the said Counties to the Clerk of the Courts of the County of Aiken.

Sec. 8. That the Board of Jury Commissioners of Barnwell, Edgefield, Lexington and Orangeburg Counties, be, and are hereby, required to prepare and furnish to the Board of Jury Commissioners of Aiken County, on or before the fourth Monday of October, 1872, separate lists of persons liable to serve as jurors, and residing in the limits of said Counties as altered by this Act.

From the lists so furnished to the Sheriff of Aiken County shall be drawn, in accordance with law, the petit and grand jurors and talesmen for the Courts to be holden in Aiken County, in conformity with the provisions of this Act, and the jurors so drawn are hereby declared lawful jurors to all purposes and intents.

Approved March 10th, A. D. 1871.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO REGULATE THE FORMATION OF CORPORATIONS," APPROVED DECEMBER 10TH, 1869.

SECTION 1. Be it enacted by the Senate and House of Representatives, of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act, entitled "An Act to regulate the formation of corporations," approved December 10th, A. D. 1869, be amended as follows: In Section 14, strike out the words "five hundred thousand dollars," and insert instead thereof, the words "three millions of dollars;" in Section 33, (second line,) after the words "shall not exceed," and before the words "the amount of its capital stock," insert the word "double." Section 41 is repealed.

Sec. 2. That any Incorporation formed in compliance with the terms of this Act is hereby empowered and authorized to issue bonds secured by a lien on the property of said Corporation, to an amount not exceeding the value of the property owned by said Corporation, with interest on said bonds, payable semi-annually; and it is further provided, that any Corporation formed in compliance with the terms of this Act, is hereby authorized and empowered to issue additional bonds to such an amount, that the interest thereon, at eight per cent. per annum, shall not exceed the net income of said Corporation.

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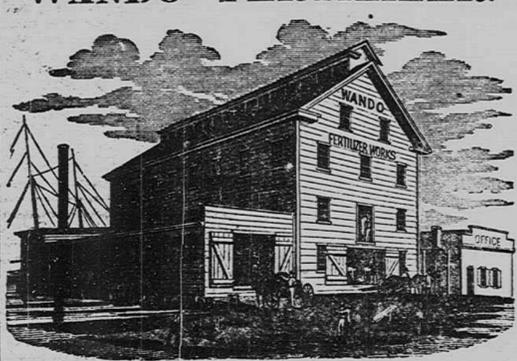
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