ACTS

AND

RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA.

PASSED IN DECEMBER, 1835.

COLUMBIA;
PRINTED BY S. WEIR, STATE PRINTER.
1838.
CHAPTER I.

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

SECTION 1. 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 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 cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description, and the sum of two dollars on all free negroes, mulattoes, and mustizoes, between the ages of fifteen and fifty, except such as shall be clearly proved to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood; thirty cents ad valorem, on every hundred dollars of the value of all lots, lands, and buildings, within any city, town, village or borough, including all lots, or portions of land, on which buildings may be erected in the immediate vicinity of any city, town, village or borough, which may have been, or shall hereafter be made, with a view to a city, town, village, or borough settlement, or as shall ordinarily be regarded as forming a part of any city, town, village or borough in this State; and sixty cents per hundred dollars, on factorage employment, faculties, and professions, (whether in the profession of the law, the profits be derived from costs of suit, fees, or other services of professional income,) and on the amount of commissions received by vendue masters and commission merchants, (clergy men, school masters, school mistresses, and mechanics excepted,) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information, to be paid in specie, paper medium, or the notes of the specie paying banks in this State.

Sec. 2. The tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mustizoes, as shall neglect or refuse to pay the tax imposed by this act, directed to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes, and mustizoes, to meet the payment of the tax imposed by this act.
Absence double taxed

Sec. 3. Any person entitled to any taxable property or estate, in this State, who resides without the limits of the United States, shall pay for the use of the State, a double tax on the same; but this clause shall not be considered to extend to any person sent, or to be hereafter sent abroad, in the service of this State, or of the United States, until one year after the expiration of his commission.

Sec. 4. All persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions, which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same into the public treasury annually, and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution for double the amount of this tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax: Provided, That nothing herein contained shall be construed to extend to any incorporated town or city.

Sec. 5. Sixty cents shall be levied on every hundred dollars' worth of goods, wares, and merchandize, 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 use and employ as articles of trade, or for 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 thirty-six, either on his, her, or their own account, or purchased by his, her, or their own capital, or borrowed capital, or on account of any person or persons, as agent, or attorney, or consignee, to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information. And every person or persons making returns of such goods, wares and merchandize, to the tax collectors, shall take the following oath or affirmation: "I, A. B. do solemnly swear or affirm, that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, and Territories thereof, excepted) which I held in my possession on the first day of January, one thousand eight hundred and thirty-six, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others as agent, attorney, or consignee—so help me God."

Sec. 6. If any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time specified by law, which
had been received by him, it shall be the duty of the treasurer within whose division such default has been made, in addition to the coercive power which he now possesses, to charge the said collector with interest at the rate of five per cent. per month, from the time he ought to have made such return, and paid the taxes, to the time of settlement.

Sec. 7. It shall be the duty of any sheriff or coroner, in whose lands the tax execution shall be placed by the tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer, within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month from the time he should have paid the same: Provided, that sheriffs and coroners be allowed credit for nulla bona executions, as heretofore.

Sec. 8. It shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, in the year of our Lord, one thousand eight hundred and thirty-four, and prior to the first day of October last, sold, or transferred, the possession of any real or personal property, liable to tax, (except stock in trade,) to give information at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the dues thereon.

Sec. 9. No person shall open, or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district, a tax of two thousand dollars, for such privilege: and if any person shall open or keep any office, for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof, by indictment, shall forfeit and pay ten thousand dollars. And it shall be the duty of the tax collector of the district or parish, in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this act.

Sec. 10. The treasurer of each division is hereby authorized and required to pay, quarterly, at the end of each quarter, all appropriations made, for, and on account of any office of this State, or other appropriation made within his division, except officers of each branch of the legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the legislature, and except the pay bills of the members of each branch of the legislature, which shall be paid on presentment at either of the treasuries, and except the officers of the South Carolina College, who shall be paid as heretofore, under their contract with the board of trustees, quarterly, in advance. And it shall be the duty of either of the treasurers, whenever
he shall make any payment, to take a duplicate receipt, and forward
the same to the comptroller-general, with his monthly report.

Sec. 11. If any transient person, or persons, not resident in this
State, shall at any time sell, or expose for sale, any goods, wares, or
merchandise, whatever, in any house, stall, or public place, after the
first day of January, in each year, such person shall make return on
oath, within ten days after commencing to sell as aforesaid, of the
whole amount of the stock in trade he may have possessed, at the
time, to the tax collector of the district or parish in which the said
goods, wares, or merchandise, shall have been, or may be sold, or ex-
posed to sale. And if any person shall neglect or refuse to make
such return, as aforesaid, within the time prescribed above, he shall,
on conviction thereof, by indictment, forfeit and pay the sum of not
more than one thousand dollars, unless such person shall have paid
for, and procured a license, according to the provisions of an act, enti-
tled, "an act to increase the price of license to hawkers and pedlars."

Sec. 12. It shall be the duty of the tax collectors, to proceed to
collect from such persons, so selling as aforesaid, the tax required by
law, to be paid on stock in trade, within five days after receiving such
return.

Sec. 13. If any tax collector shall fail or neglect to require a
return to be made, on oath of any person, liable to the payment of taxes,
for the use of the said State, for his or her taxable property, as provi-
ded by law, such tax collector shall be liable to a penalty of two hun-
dred dollars, to be recovered by indictment, in any court of sessions,
one half of which shall be paid into the Treasury for the use of the
State, and the remainder to the person who shall give information of
such neglect, and prosecute for the same.

Sec. 14. It shall be the duty of the tax collector, to give public no-
tice of the day he intends to close his books.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Independence of the United States of
America.

H. DEAS, President of the Senate.
PATRICK NOBLE, Speaker of the House of
Representatives.

CHAPTER II.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND
EIGHT HUNDRED AND THIRTY-FIVE, AND FOR OTHER PURPOSES.

Section 1. 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 following sums be, and they are
hereby appropriated for the payment of Public Officers, and for
other expenses and purposes of Government:

For the salary of the Governor, three thousand five hundred dollars.
For the rent of the Governor's house in Columbia, three 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 salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.

For the salaries of two Circuit Judges, three thousand five hundred dollars each.

For the salaries of three Circuit Judges, two thousand five hundred dollars each.

For the salary of the State Reporter, fifteen hundred dollars; Provided, that only one half that amount be paid to him unless the said Reporter shall print and publish the Decisions of the Appeal Court, made during the time he shall act as such Reporter, within twelve months after such decisions shall be made.

For the salary of the Attorney General, nine hundred dollars.

For the salaries of the Circuit Solicitors, each seven hundred dollars.

For the salary of the Messenger of the Court of Appeals, in Charleston, one hundred and fifty dollars.

For the salary of the Messenger of the same Court in Columbia, one hundred and fifty dollars.

For the pay of the Members of the Legislature, and the Solicitors during the present session, eighteen thousand dollars, if so much be necessary.

For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.

For the salaries of two Messengers and two Door-Keepers, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the salary of the Keeper of the State House and Librarian five hundred dollars.

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, to be appointed by him, and removable at his pleasure.

For the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office and for Clerk's hire, two thousand dollars.

For the salary of the Treasurer of the Upper Division, including Clerk's hire, sixteen hundred dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of six Professors in the South Carolina College, each two thousand dollars.

For the salary of the Treasurer of the College, five hundred dollars.

For the Librarian of the College, six hundred dollars.
Dec. 1835.

For the Secretary of the Board of Trustees of the College, two hundred dollars.

For the salary of the Marshal of the College, four hundred dollars.

And the salaries of the Professors, Treasurer and Librarian shall be paid by the Treasurer of the Upper Division, quarterly in advance their drafts being countersigned by the Treasurer of the College.

For the common and other incidental expenses of one student in College, from the Orphan House in Charleston, two hundred and sixty dollars, to be paid to the Cashier of the Branch Bank in Columbia, for the use of such student.

For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

For the salary of the Arsenal Keeper in Charleston, seven hundred dollars.

For the Arsenal Keeper and Powder Receiver, in Columbia, at the rate of four hundred dollars per annum.

For the salary of the Physician of the Jail and Magazine Guard in Charleston, four hundred dollars.

For the salary of the Port Physician in Charleston, including Boat hire and other incidental expenses, eight hundred dollars.

For the payment of Pensions and Annuities, twenty thousand dollars, if so much be necessary.

For the payment of the Contingent Accounts of the Lower Division, four thousand six hundred and fifty dollars, if so much be necessary.

For the payment of the Contingent Accounts of the Upper Division, fourteen thousand dollars, if so much be necessary.

For the support of the Transient Poor of Charleston, payable to the City Council, four thousand five hundred dollars, and the City Council shall account to the Legislature for the expenditure thereof.

For the support of the Transient Poor of Georgetown, four hundred dollars, to be expended by the Commissioners of the Poor for Prince George Winyaw, who shall publish annually in the nearest Gazette the names of the Transient Poor, and the sums paid each, and return annually, on oath, to the Comptroller General, an account of their expenditures, to be submitted to the Legislature.

For the payment of Claims, according to the report of the committee on Claims agreed on and adopted at the present session, ten thousand dollars, if so much be necessary.

For the salaries of the Reading Clerks of the Senate and House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.

For the Assessor of St. Philips and St. Michaels for making out and affixing the assessments to each return, eight hundred dollars.

For the salary of the Pilot of the Harbor and Bar of Georgetown, three hundred and twenty dollars.

For the City Council of Charleston for the execution of Quarantine Laws, one thousand dollars.
For the Insuring of the Buildings of the South Carolina College, five hundred dollars, if so much be necessary.

For Public Buildings, ten thousand dollars, if so much be necessary.

Sec. 2. That the Clerks of the Court of Appeals in Charleston and in Columbia, be allowed to draw their salaries quarterly, at the end of each quarter, the Clerk at Columbia from the Treasurer of the Upper Division, and the Clerk at Charleston from the Treasurer of the Lower Division, and the sum of six hundred dollars is hereby appropriated for that purpose.

For the salary of the Superintendent of Public Works, twelve hundred dollars.

For A. S. Johnson, printer of the House of Representatives, for printing done at this session, thirteen hundred dollars.

For S. Weir, printer for the Senate, for printing done for the Senate at this session, one thousand dollars, to be paid at the rising of the Legislature, and for Printing the Acts, Journals of both Houses, and Resolutions of the Legislature, with the Governor’s Message in pamphlet form, six hundred dollars, provided that the pamphlets be printed and deposited in the office of the Treasurer of the upper division at Columbia, on or before the 20th day of February next, otherwise the latter sum shall not be paid.

For Medical accounts as agreed to by both branches of the Legislature, two hundred dollars.

For the support of Free Schools, twenty-seven thousand dollars, if so much be necessary.

For the contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, seven thousand six hundred and sixty dollars.

For the Superintendent of the fire proof building in Charleston, one hundred dollars.

For the purchase of books for the Legislative Library, five hundred dollars, if so much be necessary.

In aid of keeping a ferry over Elliott’s cut, subject to the order of the Commissioners of Roads for St. Andrew’s parish, one hundred dollars.

For the Education of the Deaf and Dumb, as agreed to by the Bill passed at the last Session, the sum of twenty five hundred dollars.

For the widow of Robert Anderson, late Clerk of the House of Representatives, the amount of his salary, $1000.

For J. R. & W. Cunningham, for Stationery for the Senate, ninety dollars twenty five cents, agreeable to report, and concurred in.

For the erection of a building with two tenements for the accommodation of two Professors in the South Carolina College, ten thousand dollars, if so much be necessary, to be drawn out and expended by William F. Desaussure, James Gregg, Edward Fisher, F. H. Elmore, and D. J. M’Cord, commissioners, hereby appointed for that purpose.

* Thirty-seven in original draft.
For the extension of the West wing of the Lunatic Asylum, to be drawn and expended by the Regents of the Asylum, hereby appointed Commissioners for that purpose, eight thousand dollars.

For the support of the Arsenal and Magazine Guard in Charleston sixteen thousand five hundred dollars, if so much be necessary.

For repairing the Arsenal in Charleston, seven thousand dollars, if so much be necessary.

For purchasing a Lot, and erecting an Arsenal in Columbia, ten thousand dollars, if so much be necessary.

For the salary of the Quartermaster General, five hundred dollars.

For purchasing military Books, printing and distributing military documents, providing tents for the use of the militia, and other contingent military expenses, five thousand dollars, if so much be necessary.

For George Gill, for repairs done on the carriage of a field piece, eight dollars and fifty cents.

That twenty five hundred dollars be appropriated for Dr. Thomas Cooper, for his services as compiler of the Digest of the Statutes of South Carolina—and the sum of five hundred dollars, for the services of a Clerk to be employed by him.

For the salary of one Circuit Judge, three thousand dollars.

For the salary of two Chancellors, three thousand five hundred dollars each.

For the salaries of two Chancellors, each, three thousand dollars.

For Thos. P. Miller for a tax twice paid seven dollars and fifty cents.

For John J. Frierson, for a tax twice paid, ten dollars and sixty five cents.

For building a Jail for Fairfield District, ten thousand dollars.

One thousand dollars to be paid to Professor Nott, for his services as President pro tempore of the South Carolina College, during the last year.

To John Westbrook, and David Martin, one hundred dollars each.

For alterations to the Laboratory and additions to the apparatus one thousand dollars.

For rent of two houses for Professors of the South Carolina College six hundred dollars.

That eight hundred and forty seven dollars and sixteen cents be appropriated to William Gregg, for curtains to the Speaker's Window, when the same are delivered to the House Keeper of the State House in good order.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

The appropriation for refunding double taxes, contained in the original draft, and the appropriation for the Arsenal and Magazine Guard of Columbia, likewise in the original, are omitted in the ratified copy of the Acts.
CHAPTER III.

AN ACT TO REFORM AND AMEND THE JUDICIARY SYSTEM OF THIS STATE.

SECTION 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 the first section of an act entitled "an act to revise and amend the judiciary system of this state," passed the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, establishing a Court of Appeals, be and the same is hereby repealed.

Sec. 2. That from among the Judges of the court of Appeals, Disposal of the as heretofore constituted, two shall be designated, by ballot of both Appeal Judges, branches of the Legislature, who shall hereafter perform the duties of Chancellors and the remaining Judge shall perform the duties of a judge of the courts of law.

Sec. 3. That the Law Judges and Chancellors shall meet and sit at the times and places herein after specified, for the purpose of holding the Court of Appeals in hearing and determining all motions which may be made for new trials, and in arrest of Judgment, and such points of Law and Equity as may be submitted to them, with the same powers now exercised by the Court of Appeals; Provided, That not less than a majority of the Law Judges and a majority of the Chancellors shall hold said Court; And Provided also that no Chancellor or Law Judge, by or before whom a cause may be heard or tried, shall exercise appellate jurisdiction thereupon in said Court.

Sec. 4. That the several Courts of Common Pleas and sessions Courts of Com. in the State, shall be, and they are hereby arranged into six circuits, in the following manner, that is to say; The several courts for the districts of Richland, Orangeburgh, Barnwell, Beaufort, and Colleton, shall form the Southern Circuit; the several courts for the districts of Abbeville, Edgefield, Newberry and Lexington, shall form the South-western circuit; the several courts for the districts of Pickens, Anderson, Greenville, Spartanburgh and Laurens, shall form the Western circuit; the several courts for the districts of Union, York, Chester, Lancaster, and Fairfield, shall form the Middle circuit; the several courts for the districts of Chesterfield, Kershaw Sumter, Darlington and Marlborough, shall form the Northern circuit; and the several courts for the Districts of Charleston, Williamsburg, Marion, Horry, and Georgetown, shall form the Eastern circuit.

Sec. 5. That the several courts of common pleas and sessions shall hereafter be held at the following periods, that is to say; at Columbia, Periods when for Richland district, at Abbeville court house, for Abbeville district, at Pickens court house, for Pickens district, at Union court house, for Union district, and at Chesterfield court house, for Chesterfield district, on the first Monday in October, and the se-
second Monday in March, in every year; at Orangeburgh court house for Orangeburgh district, at Anderson court house for Anderson district, at York court house for York district, and at Camden, for Kershaw district, on the second Monday in October, and the third Monday in March, in every year; at Barnwell court house, for Barnwell district, at Greenville court house, for Greenville district, at Chester court house, for Chester district, and at Sumter court house, for Sumter district, on the third Monday in October and the fourth Monday in March, in every year; at Walterborough, for Colleton district, at Newberry court house for Newberry district, at Spartanburg court house, for Spartanburg district, at Lancaster court house for Lancaster district, and at Darlington court house for Darlington district, on the fourth Monday in October, and the first Monday after the fourth Monday in March, in every year; at Coosawhatchie, for Beaufort district, at Lexington court house, for Lexington district, at Laurens court house, for Laurens district, at Winnsborough, for Fairfield district, and at Marlborough court house, for Marlborough district, on the first Monday after the fourth Monday in October, and the second Monday after the fourth Monday in March, in every year; at Williamsburg court house, for Williamsburg district, on the fourth Monday in March and October; at Conwayborough, for Horry district, on the first Monday after the fourth Monday in March and October; at Georgetown for Georgetown district, on the second Monday after the fourth Monday in March and October; at Marion court house, for Marion district, on the third Monday after the fourth Monday in March and October, in every year, unless the business thereof shall be sooner despatched; at Edgefield court house, for Edgefield district, on the second Monday in October, and the third Monday in March in every year, for one week at each term, unless the business of said courts respectively shall be sooner despatched; and at Darlington court house for Darlington district, on the fourth Monday in January, for three weeks, and on the second Monday in May for six weeks, and on the first Monday in October, for two weeks, in every year, unless the business thereof shall be sooner despatched.

Sec. 6. That the several courts of Equity in the State shall hereafter be held twice annually at the following periods, that is to say, at Edgefield court house, for Edgefield district, and at Spartanburg court house for Spartanburg district, on the fourth Monday in January, and the first Monday in June; at Columbia for Richland district on the fourth Monday in January and the second Monday after the fourth Monday in June, in every year, for one week, at each term, unless the business of said courts respectively, shall be sooner despatched. At Abbeville court house for Abbeville district, and at Union court house for Union district, on the first Monday after the fourth Monday in January, and the second Monday in June, and at Lexington court house for Lexington district, on the first Monday after the fourth Monday in January, and the first Monday after the
fourth Monday in June, in every year, for one week at each term, unless the business of said courts, respectively, shall be sooner despatched. At Georgetown, for Georgetown district, on the first Monday after the fourth Monday in January, and the fourth Monday in April, in every year, for one week at each term, unless the business thereof shall be sooner despatched. At York court house for York district, on the second Monday after the fourth Monday in January, and the third Monday in June: at Orangeburgh court house for Orangeburgh district, on the second Monday after the fourth Monday in January, and the fourth Monday in June, in every year, for one week at each term, unless the business of said courts respectively shall be sooner despatched. At Anderson court house for Anderson district, and at Williamsburgh court house for Williamsburgh district, on the second Monday after the fourth Monday in January and the second Monday in June, in every year for two days at each term. At Pickens court house for Pickens district, and at Marion court house, for Marion district, on the Thursday next after the second Monday after the fourth Monday in January, and the Thursday next after the third Monday in June, in every year, for three days at each term, unless the business of said Courts shall, respectively, be sooner despatched. At Greenville court house, for Greenville district, at Chester court house for Chester district, and at Darlington court house for Cheraw district, on the third Monday after the fourth Monday in January, and on the fourth Monday in June, and at Barnwell court house for Barnwell district, on the third Monday after the fourth Monday in January, and the third Monday in June, in every year, for one week at each term, unless the business of said courts respectively shall be sooner despatched. At Laurens court house for Laurens district, at Winnsborough for Fairfield district, and at Sumter court house for Sumter district, on the fourth Monday after the fourth Monday in January, and the first Monday after the fourth Monday in June, and at Walterborough for Colleton district, on the fourth Monday after the fourth Monday in January and the second Monday in June, in every year, for one week at each term, unless the business of said courts respectively shall be sooner despatched. At Newberry court house, for Newberry district, at Lancaster court house, for Lancaster district, and at Camden, for Kershaw district, on the fifth Monday after the fourth Monday in January and the second Monday after the fourth Monday in June, and at Coosawhatchie, for Beaufort district, on the fifth Monday after the fourth Monday in January, and the first Monday in June, in every year, for one week at each term, unless the business of said courts respectively, shall be sooner despatched: and at Charleston for Charleston district, on the first Monday in January, for three weeks, and the first Monday after the fourth Monday in April, for five weeks, in every year, unless the business thereof shall be sooner despatched.

Sec. 7. That the Law Judges and Chancellors shall meet to hold
the Court of Appeals, at Columbia, for all cases directed by law to be taken there, on the fourth Monday in November, for four weeks, unless the business thereof shall be sooner despatched, and on the third Monday in July, for as many weeks as may be necessary to despatch the business thereof, in every year; and at Charleston for all the cases directed by law to be taken there, on the first Monday in January, for four weeks, and on the fourth Monday in April, for four weeks, in every year, unless the business thereof shall be sooner despatched.

SEC. 8. That the Chancellors and Law Judges hereafter to be elected, shall receive, each, an annual salary of three thousand dollars.

SEC. 9. That all writs and processes which shall have been made returnable to the aforesaid courts respectively, according to the laws heretofore in force, shall be legal and valid to all intents and purposes; and the persons bound thereby shall attend on the days prescribed by this act for the sitting of the aforesaid courts respectively.

SEC. 10. That all jurors and witnesses already summoned, or who shall hereafter be summoned to attend the said courts respectively, according to the laws heretofore in force, shall be required to attend at the times herein fixed for the sitting of the said courts respectively; and that all persons now bound, or who shall hereafter be bound in recognizance to appear at the said courts respectively, according to the laws heretofore in force, shall be required to appear at the times herein fixed for the sitting of the said courts respectively.

SEC. 11. That the solicitors of the Southern, Northern, Eastern, Middle and Western circuits, who are now in office, or may hereafter be elected, shall be assigned to those several circuits respectively, and that a solicitor shall be appointed by the Legislature for the South-Western circuit, hereby established, who shall attend the courts assigned to the same, perform the several duties, be entitled to the same privileges and receive the same salary and perquisites as by law allowed to the other solicitors.

SEC. 12. That all acts and parts of acts repugnant hereto are hereby repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER IV.

AN ACT CONCERNING THE FREE SCHOOLS.

SECTION 1. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the author-
ity of the same, That any person hereafter appointed by the Legislature or the Board, a Commissioner of Free Schools, who refuses to serve, shall be fined the sum of twenty dollars, to be recovered for the use of the Free Schools of the district or parish, before any Justice of the peace; provided however, that no person shall be compelled to serve more than three years in six.

Sec. 2. Be it further enacted, That any Commissioner of Free Schools, who, being notified thereof, shall neglect, without a sufficient excuse, to be allowed by the Board, to attend a regular or special meeting of the Board shall be fined the sum of five dollars which shall be recovered, and applied in the manner expressed in the first section.

Sec. 3. Be it further enacted, That on or before the first day of March next, the Commissioners of Free Schools, in their respective districts and parishes, shall divide the district or parish into as many school divisions as in their discretion they may deem best; provided that the number of School divisions shall not be less than the number of Schools, if there be as many Schools as Commissioners in the district or parish.

Sec. 4. Be it further enacted, That one Commissioner shall be appointed by the Board, to superintend each of said School Divisions, who shall be liable to the penalties hereinafter imposed for neglect of duty in respect of the schools under his charge.

Sec. 5. Be it further enacted, That the Board of Commissioners, in any district or parish, shall not employ any Teacher, until he shall have been first examined by the Board, and found qualified for that duty.

Sec. 6. Be it further enacted, That each Board of Commissioners shall nominate and appoint three Trustees to each School in their respective districts and parishes, whose duty it shall be, with the commissioner of the school division, to supervise the school submitted to their care and recommend applicants for admission.

Sec. 7. Be it further enacted, That the commissioner of each school division for neglect or abuse of the powers and duties entrusted to him by law, shall be liable to indictment, and on conviction shall be fined an amount not less than twenty dollars, nor more than fifty dollars. And that for neglect of the powers and duties intrusted by law to the Board of Commissioners, they shall be liable to indictment; and on conviction of one or more of said commissioners, he or they shall be severally fined a sum not less than twenty, nor more than fifty dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.
CHAPTER V.

AN ACT TO CAUSE SURVEYS FOR A RAIL ROAD BETWEEN CINCINNATI AND CHARLESTON.

SECTION 1. Be it enacted by the Senate and House of Representatives, now met and sitting in general Assembly, That the sum of ten thousand dollars, if so much be necessary, be, and the same is hereby appropriated for the purpose of making a full examination and survey of the country between the Ohio River, near Cincinnati, and the Rail Road projected by the South Carolina Canal and Rail Road Company, for the purpose of ascertaining the best practicable route for such road; of making estimates of the cost thereof, the profits to be expected from transportation thereon, and the benefits it is likely to confer on the country.

SEC. 2. Be it further enacted, That Robert Y. Hayne, Patrick Noble, Thomas Smith, Abraham Blanding, Charles Edmondston and Thomas F. Jones, be appointed commissioners to cause the said examinations, surveys and estimates to be made, and that in doing so, they unite with any commissioners that may be appointed for a similar purpose, by all or any of the States of North Carolina, Tennessee and Kentucky; and the said sum of ten thousand dollars, or so much thereof as may be necessary, may be expended by the said commissioners, or a majority of them in causing the said examinations, surveys and estimates to be made, and in publishing the report thereof.

SEC. 3. Be it further enacted, That the said commissioners do hold their first meeting at Knoxville in the State of Tennessee, on the first Monday in February next, (provided the other States above named, shall appoint commissioners for that purpose,) or at such other time and place as may be appointed; and that they cause the said examinations, surveys, estimates and reports thereof, to be made and published before the first day of October next, so that the said reports may be distributed along the entire line of contemplated road, before books are opened for subscriptions for stock in the company, to be formed for the construction of said road.

SEC. 4. And be it further enacted, That the Governor be authorized to employ one of the above commissioners, or some other suitable person to proceed to the different States through which the proposed road may pass, or which may be interested therein, to obtain the co-operation of the people thereof, and especially of those along the lines of the proposed road—to correspond with proper persons in this State and the neighbouring States on this subject—to attend public meetings in those States, and in the several districts of this State, in order to afford such explanation as may be required, and in conjunction with said commissioners to employ surveyors, and assist in their operations, and generally to afford all such assistance, and, under the direction of the Governor, to exercise such superintendence in respect to the measures contemplated by this act, as may be ne-
necessary to carry the same into full effect; and the Governor be and he hereby is authorized to allow the persons so employed a reasonable compensation, out of the amount above appropriated.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.
PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER VI.

AN ACT FURTHER TO PROVIDE FOR THE MILITARY ORGANIZATION OF THIS STATE.

SECTION 1. 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 for the purpose of effecting the immediate organization of the Regiment, situated on Broad River in York district, in the ninth Brigade, South Carolina Militia, William C. Beatty, who has been duly elected and commissioned Colonel of said Regiment, be confirmed in his said commission, and that he shall take rank from the date thereof; and that the ineligibility to hold office, specified in the eighth section of an Act entitled "An Act to provide for the Military organization of this State," passed on the nineteenth day of December, one thousand eight hundred and thirty-three, shall be and the same is hereby declared to be inoperative in the said Regiment for the space of twelve months from and after the passing of this Act, and no longer. And if it shall appear to the satisfaction of any of the Brigadier Generals of this State, that there are no commissioned officers in any one of the regiments under his command who are by law eligible to the offices of Colonel, Lieutenant Colonel and Major in said regiment, by reason of the provisions of the said eighth section of the act aforesaid, it shall be lawful for the said Brigadier General to commission to such offices aforesaid, any person who shall be duly elected to the same, notwithstanding the disqualification of such person by reason of the operation of the said eighth section of the act aforesaid; Provided, however, that such person be not otherwise disqualified from holding office, and provided that this provision continue of force only for the time above specified.

Sec. 2. That the Major Generals and Brigadier Generals, respectively, shall have power to order courts martial for the trial of all commissioned and non-commissioned officers, musicians and privates, who may at any time disobey any orders, issued by them, whether such orders be issued when the militia of this State be in actual service, or for ordinary masters, encampments or reviews; Provided, this authority shall not be construed to invalidate the concurrent power of Colonels to order regimental court martial as now provided by law.
DEC. 1835.

**Sec. 3.** That hereafter it shall not be necessary for the members of a court martial convened for the trial of defaulters for neglect of militia or patrol duty, to keep secret the sentence of the court, but upon the final adjournment of the court martial, the same shall be made public, for which purpose the president of the court martial shall post up, at the place where the court was held, a notice containing the names of all persons fined by said court; and it shall moreover be the duty of the President of the court martial aforesaid, forthwith to transmit the proceedings of the court to the officer ordering the same, who shall retain in his possession the said proceedings for the space of thirty days from the adjournment of the court martial, during which time any person who may conceive himself aggrieved by the decision of the court, shall have the right of appeal to the officer ordering the said court, provided he shall accompany such appeal by an affidavit, that he could not attend the court by which he was fined, nor render his excuse in writing to the same, and that he does not appeal for the purpose of delay merely; and it shall be the duty of the officer ordering the said court at the expiration of the said thirty days, to issue an execution against all persons fined by the court, except such whose cases may be submitted for reconsideration, as is hereinafter provided, directed to the sheriff of the district in which they reside, in manner and form following, that is to say.

(Form of Execution.)
"THE STATE OF SOUTH CAROLINA.
To all and singular the Sheriffs of said State.

Whereas the persons named in the schedule or list hereunto annexed, have been duly sentenced by a court martial convened at on the day of 18 to pay the sums to their names are fixed respectively; you and each of you are, therefore, hereby authorized and required to levy and sell of the goods and chattels of each person, therein named, sufficient to pay the fine and costs, which have been adjudged against him, and pay over the fines aforesaid to the proper officer.

And you are further authorized, and required, in case any person named in the schedule or list aforesaid, shall refuse to pay the fine and costs adjudged against him, or to shew property sufficient to pay the same, to take the body of the delinquent, and lodge him in the jail of your District, there to remain until discharged by due course of law.

Given under my hand and seal, this day of 18

A. B. [..]
Col. of Regiment or Brigadier General of Brigade, &c. (as the case may be.)"

(Form of Schedule.)
"A. B. Two dollars and 20 per cent on his general tax for 183"
"C. D. Three dollars and 50 per cent on his general tax for 183"
"E. F. One hundred dollars.

(Form of Schedule.)
"I certify the above schedule to be a true copy of the fines im-
posed on the persons therein named, respectively, by a court martial
convened under my orders at the day of 188
(Signed) A. B."

(Wih rank attached.)

Which said execution shall be lodged in the office of the Sheriff aforesaid, within ten days after the expiration of the thirty days aforesaid, or as soon thereafter as practicable. And the Sheriff for every fine paid to him previous to levy, shall be entitled to receive from the delinquent the sum of fifty cents; and for every fine collected by the Sheriff after levy of the said execution, he shall be entitled to receive from the delinquent the sum of one dollar, and the usual fees for advertising.

Sec. 4. That in no case wherein courts martial have proceeded according to law and fined defaulters for neglect of militia or patrol duty, shall the officer ordering the same, have power to remit such fines; but if he conceives that the court has mistaken the law or erred in judgment in any case, whether by imposing a fine or excusing a defaulter, he may re-assemble the court to reconsider such case and may assign his reasons to the court, which shall forthwith proceed to reconsider, and their decision shall be final and conclusive. And the officer ordering said court, shall forthwith carry such decision into effect.

Sec. 5. That in case any delinquent shall neglect or refuse to pay the fine imposed upon him as aforesaid, and the cost accruing, or shall fail to point out to the sheriff aforesaid, sufficient property to pay the same, it shall be the duty of the sheriff, by virtue of the execution aforesaid, to seize the body of such delinquent and commit him to close confinement in the common jail of his district, there to remain until such fine and costs be paid, provided the person so committed shall, at the end of a certain time, to be computed at the rate of one day for every dollar he may be adjudged to pay, as aforesaid, be released upon swearing before some justice of the peace or quorum, that he is unable to pay the sum for which he stands committed, and provided also, that in no case shall any person so committed be confined in prison for a longer period than ten days, if at the end of such time he shall take the oath aforesaid.

Sec. 6. That each member of a court martial convened for the trial of defaulters for neglect of militia or patrol duty, shall, hereafter, in lieu of the oath now prescribed, take the following oath, to wit: "I do swear that I will well and truly try and determine the cases which shall be brought before me according to law and the evidence which shall be adduced, and that I will not divulge the vote or opinion of any particular member of the court martial, unless required to give evidence thereof in a court of justice in due course of law; so help me God."

Sec. 7. That hereafter courts martial for the trial of general and field officers shall consist of not less than five nor more than thirteen officers: that upon a court martial to try a Major General, a Major Grade of rank
General and not less than two Brigadier Generals shall sit, and other members of the court shall be field officers of and above the rank of Major; that a Brigadier General shall be tried by one or more Brigadier Generals, and the other members of the court shall be field officers not under the rank of Major; that a Colonel shall be tried by one or more Colonels, and the other members of the court shall be officers not under the rank of Captain; that a Lieutenant Colonel and Major, respectively, shall be tried by one or more Lieutenant Colonels or Majors, as the case may be, and the other members of the court shall be officers not under the rank of Captain.

Sec. 8. That in all cases of contested elections for Brigadier Generals, the same shall be tried by a board of officers to consist of a Major General, and four other officers, not under the rank of field officers, whose decision shall be final and conclusive; and in all cases of contested election for Major-Generals, the same shall be tried by a board to consist of one Major General, one Brigadier General and three Colonels, whose decision shall be final and conclusive, the former board to be convened by the Major General, the latter by the Commander-in-Chief.

Sec. 9. That commissioned officers who have been, or may hereafter be appointed, according to the provisions of the existing law, and who are not required to uniform themselves, shall, notwithstanding, be subject to serve upon courts martial, and shall not be required to appear in uniform.

Sec. 10. That when courts martial shall be convened for the trial of any officer, within its jurisdiction, if any of the officers required by the order convening the court to sit on the same, as members shall not appear, their places shall be filled from among the supernumerary officers ordered to attend the said court.

Sec. 11. That whenever an officer has been cashiered and disqualified from holding office by the sentence of a court martial, which sentence has been approved and carried into effect, and such officer shall be voted for and receive the highest vote at an election for militia officers before the expiration of his term of disqualification, the officer authorised to commission to said office shall disregard such vote, and commission the person having the highest vote at said election, who, agreeable to law, may be eligible to said office.

Sec. 12. That whenever the Commandants of Regiments or Battalions shall assemble their commands for drill or review, they shall be kept on duty at least three hours, and the Commandants of companies shall, in like case, drill their commands at least two hours, excluding the necessary intervals of rest.

Sec. 13. That for the purpose of enabling Colonels or Majors to attend the company drills within their command, as required by law, they shall have power, respectively, to order such drills as they shall attend, at such times as they may deem proper; Provided such order be issued to the commanding officer of such company at, or previous to the preceding company muster.
SEC. 14. That the Colonel of each Regiment is hereby authorized and required to appoint and commission a Regimental Judge Advocate, with the rank of Lieutenant, who shall be attached to his staff and who shall act as Recorder to all courts martial, which shall be ordered by the Colonel or commanding officer of his regiment.

SEC. 15. That it shall not be lawful for any officer commanding a Company, Battalion or Regiment, when his command shall be assembled for drill, inspection or review, to receive a substitute in the place of any person required by law to do militia duty, under a penalty of not less than five, nor more than fifty dollars, to be imposed by a court martial.

SEC. 16. That the Captain, or commanding officer of each company, shall have power to appoint a clerk of the company, who shall be exempt from drill at Company, battalion, or Regimental musters, and whose duty it shall be, under the superintendence of the Captain or commanding officer of the company, to take a census of the company, when required, to make out and keep a regular roster of those who are liable to perform patrol duty, and to furnish orders and lists for such duty. And in consequence of the Sergeants of Companies being herein required to attend the brigade encampments of officers, they shall be exempt from the duty of warning the men to attend musters and courts martial, and such duty shall hereafter be performed by the Corporals of each company, under the penalty of twenty dollars.

SEC. 17. That the officer or other person whose duty it may be to summon defaulters for neglect of Militia or Patrol duty, to attend court martials, may make his return upon oath, in writing to the court; and any officer of the Division, Brigade, Regiment, Battalion or Company, under whose authority he shall be acting, is hereby authorized to administer to such officer or person, the usual oath, certified as is now prescribed by law.

SEC. 18. That it shall be lawful for all Commissioned Officers, when summoned to attend a court martial for neglect of Militia or Patrol duty, to send their excuses in writing to the court, rendered upon oath, and certified by any officer or other person authorized by law to administer oaths; and all such excuses shall be received and acted on by the court martial, unless in the opinion of the court martial the personal attendance of such defaulter shall be necessary to a proper adjudication of the matter.

SEC. 19. That it shall be lawful for any person entitled to vote for field officers of any Regiment or Battalion in this State, to give his ballot at any election poll which shall be held agreeable to law, within the limits of such Regiment or Battalion, except in the Parishes of St. Philip and St. Michael, where such voter shall be required to vote at the election poll of the company to which he belongs.

SEC. 20. That the officers commanding Divisions, Brigades, Regiments, Battalions and Companies, shall respectively have power to order out such persons as are by law liable to fatigue duty, to perform
such duty as fatiguen, as shall be deemed necessary for military purposes; Provided they shall not be required to be on duty for a greater number of days in each year, than the officers of this State are required to be on militia duty.

**Sec. 21.** That when a Brigadier General shall receive and commission the officers of any company of Artillery, permitted to be raised within the limits of his command, except such as may be attached to a Battalion of Artillery, he shall have power to designate the Regiment and Battalion to which the said company shall be attached; *Provided,* there shall in no case be more than one company attached to a Regiment.

**Sec. 22.** That the Quarter Master General shall, from and after the passing of this act, receive an annual salary of five hundred dollars.

**Sec. 23.** That in all cases where the dividing line between Regiments in any Brigade in this State shall pass through the lands on which any officer holding a commission in either Regiment shall reside, it shall be lawful for such officer to reside on either side of said line without a forfeiture of his commission.

**Sec. 24.** That whenever, from any cause, any Beat company, in any district or parish in this State, shall be without commissioned officers, for the term of three months, it shall be the duty of the magistrates of the said Beat, on the information of any of the inhabitants thereof, to issue patrol warrants to any competent persons to execute the patrol duties of said Beat, and the said magistrate shall cause returns to be made to him, and impose the same fines and penalties for non-execution thereof as are now imposed by law.

**Sec. 25.** That the Division Quarter Masters, respectively, shall, when required, take charge of the tents which may be furnished by the State for the use of their Divisions, and shall, when required, cause the said tents to be carried to the Brigade Encampments, of officers within their Divisions, and at the close of said Encampments, shall cause the said tents to be returned and deposited under their care, the expenses of transportation and such other expenses as may be necessary to procure a suitable place of deposit for said tents, to be paid by the State; and the said Quarter Masters shall render their accounts to the Governor, who is hereby authorized to pay the same out of the contingent fund.

**Sec. 26.** That the Encampments of officers required by the twenty-seventh section of an act, entitled "An act to provide for the Military organization of this State," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, shall continue for six days, and in addition to the officers therein required to attend said Encampments, the Sergeants of each company and the non-commissioned regimental staff officers, are hereby required to attend said Encampments for the purpose of receiving military instruction, and shall be equipped with a musket and bayonet, cartouch box and twenty-four rounds of blank car-
triges; and for non-attendance at the said Brigade Encampments, each of the aforesaid officers shall be liable to be fined in the sum of fifteen dollars; and in lieu of the fines now imposed by law on company officers for non-attendance of Brigade Encampments, they shall each be subject, for such neglect of duty, to pay a fine of thirty dollars.

SEC. 27. That it shall be the duty of the Captain or commanding officer of each company, under the penalty of fifty dollars, to be imposed by courts martial, to keep constantly in office in his company, the full number of non-commissioned officers required by law, and any person appointed a non-commissioned officer, who shall refuse to serve, shall be liable to a penalty of thirty dollars, to be imposed by a court martial.

SEC. 28. That any person who shall disturb the camp, or violate the regulations thereof, of any portion of the Militia of this State, who shall be encamped in obedience to the requirements of law, or voluntarily, shall, for such offense, be liable to a penalty not exceeding fifty dollars, to be imposed by any court martial ordered by the commanding officer of the camp to try such offender, in addition to being confined under guard at the discretion of the commanding officer, not exceeding twelve hours; and whenever any portion of the militia shall be voluntarily encamped for the purpose of military instruction, they shall be subject to the same rules and government, whilst encamped, as are established for the government of Encampments ordered by law.

SEC. 29. That when the Commander-in-chief, or the Major General of a Division, within his command, shall attend the Brigade Encampments prescribed by law, he shall superintend and regulate the duties of the Encampment, in such manner as he shall deem proper, and conformable to military usage.

SEC. 30. That the Governor, on the requisition of any Brigadier General, is hereby authorized to cause to be issued from any of the Arsenals of this State, such portion of the public arms as may be necessary and suitable, in addition to those in possession of the volunteer companies within the Brigade, to supply the officers required to attend Brigade Encampments; and the officers of volunteer companies in each Brigade, having under their charge public arms, are hereby required to furnish the same upon requisition of the said Brigadier General of the Brigade, which arms the said Brigadier General shall cause to be returned to the said officers in good order, as soon as may be after the close of the Encampment, and shall cause any damage done to the same to be repaired, at the public expense; and the Governor is hereby authorized and required to furnish for each Encampment such quantity of powder as he may deem necessary and proper, and likewise to furnish a band of Military Music, each at the public expense.

SEC. 31. That as soon as may be practicable, the Governor is hereby required to purchase and distribute for the use of the General.
and field officers of this State, sixty copies each of M'Comb on Courts Martial, and the regulations for the army of the United States.

Sec. 32. That the Governor shall cause to be published in pamphlet form such number of copies of this act as will supply each commissioned officer with one copy, and shall cause the same to be distributed as soon as practicable; and he shall also cause to be published for the use of the Infantry officers, a selection from Scott's Infantry tactics, the column of attack, square against cavalry, and such other evolutions as he may deem necessary to perfect the drill book for Infantry; and likewise cause to be published and distributed the sword exercise for Cavalry.

Sec. 33. That so much of the Parysburgh Beat Company, attached to the twelfth Regiment of South Carolina Militia, as lies east of New River, be, and the same is hereby attached to the Oakety Beat Company in the same Regiment.

Sec. 34. That the Colonel of the fifteenth Regiment South Carolina Militia be authorized to commission the Major elect of the Upper Battalion in that Regiment, in virtue of the election heretofore held to take date from said election.

Sec. 35. All officers who have held or shall hold commissions in the Militia of this State for the term of ten years, consecutively, shall be thereafter exempt from the performance of ordinary Militia duty.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER VII

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO SHUT UP CERTAIN STREETS NEAR THE MARKET IN CHARLESTON, AND FOR OTHER PURPOSES.

Section 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 the City Council of Charleston be, and they are hereby authorized and empowered, to shut up, close and discontinue, any of the streets, lanes and alleys within the square in the City of Charleston, bounded by Pinckney-street on the North, Anson-street on the East, Market-street on the South, and Meeting-street on the West, and to open, lay out, extend and establish any new streets, lanes and alleys within those limits, of such width and dimensions as by the said City Council may be deemed expedient.
Sec. 2. And be it further enacted, That the lands now forming any of the streets, lanes and alleys, within the limits herein designated, which may be shut up, closed and discontinued by the City Council under the authority of this Act, be and the same are hereby vested in the City Council of Charleston in fee simple.

Sec. 3. And be it further enacted, That in case any owner or owners of any lot or lots in fee simple or in leasehold, with the building or buildings thereon, fronting on such street, lane or alley, which may be closed up and discontinued under the authority of this Act, or through which any new street may pass or be made, shall refuse to sell his, her or their lot or lots, leasehold or buildings, or shall demand for the same what may be deemed by the City Council an unreasonable price, the City Council shall nominate and appoint not less than three freeholders, resident in the City, who shall meet an equal number to be named and appointed on the part of such owner or owners, to determine and fix upon the true and real value of such lot or lots, leasehold or buildings, with the full power in the Commissioners appointed as aforesaid, in case of disagreement to call in one other Commissioner, and on the City Council paying the full value of such lot or lots, leasehold or buildings, fixed and determined in the manner above designated, the absolute estate of the said lot or lots, leasehold and buildings, shall be vested in them.

Sec. 4. And be it further enacted by the authority aforesaid, That in case of the neglect or refusal of the owner or owners of the lot or lots, leasehold or buildings, to be valued as aforesaid, to appoint freeholders on their part to meet those appointed by the City Council, within ten days after notification in writing of the appointment of the Commissioners on the part of the City Council, the Board of Commissioners appointed under the Act of 1817, to declare in what cases streets, lanes and alleys of the City of Charleston shall be widened, on the application of the City Council, are hereby authorized to name and appoint Commissioners to act on the part of such owner or owners, equal in number to those appointed by the Council, and full power is hereby given to a majority of said Joint Commissioners in case of disagreement as to the value of said lot or lots, leasehold or buildings, to call in one other Commissioner, and the decision of a majority of said Joint Commissioners or of said additional Commissioner so called in, upon their disagreement as aforesaid, shall be final and conclusive.

Sec. 5. And be it further enacted, That all Acts and parts of Acts repugnant hereeto, be and the same are hereby repealed.

Sec. 6. And be it further enacted, That the Field Officers of the 4th Brigade, residing in the City of Charleston, be and are hereby authorized, by and with the sanction and consent of the City Council of Charleston and Dr. Henry Boylston, to inclose Inspection street at both ends with gates, and to regulate the use of said street in such manner as they may deem proper.
In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER VIII.

AN ACT TO INCORPORATE COKESBURY SCHOOL, AT COKESBURY, IN ABBEVILLE DISTRICT.

SECTION 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 William Capers, William M. Kennedy, Malcolm McPherson, William M. Wightman, Henry Bass, Nicholas Talley, James Dannelly, James Shackleford, Francis Conner, Thomas W. Williams, and George W. Hodges, be, and they are hereby appointed Trustees of Cokesbury School, in Abbeville District.

SECTION 2. And be it further enacted by the authority aforesaid, That the said Trustees, and their successors in office, or a majority of them, shall have power and authority to make such by-laws and regulations as may be necessary for the government of said School; Provided, such by-laws and regulations be not repugnant to the constitution and laws of this State.

SECTION 3. And be it further enacted by the authority aforesaid, That the said Trustees and their successors in office, under the name and style aforesaid, may use a common seal, and shall be, and are hereby declared to be, capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, and of using all means necessary and lawful for securing and defending any money, property, debt or demands, which do now or may hereafter belong to said Institution, and for receiving all grants, gifts, bequests, devises, or conveyances of property, of any and all descriptions whatever: Provided, nevertheless, that the whole amount of property of any and all kinds, belonging to their trust, shall not at any one time exceed fifty thousand dollars.

SECTION 4. And be it further enacted by the authority aforesaid, That the said Trustees and their successors in office, shall be entrusted with, and entitled to all manner of property, both real and personal, all donations, gifts, bequests, legacies, privileges and immunities whatsoever, which may now belong to said Institution, or which may hereafter be made or conveyed to it, not exceeding as aforesaid, the sum of fifty thousand dollars; and nonisnomer of the corporation shall prevent its rights from vesting whenever it appears, or can be ascertained, that it was the intention of the party or parties to sell, give, or bequeath, any property, real or personal, or any right or interest, to the corporation.
Sec. 5. And be it further enacted by the authority aforesaid, That the said Trustees may appoint or remove all their officers, and compel them to give security according to the by-laws of the Institution; and that said Board of Trustees and their successors in office, shall have power to remove any member of the Board for a violation of their by-laws: Provided, that no one shall be removed until he is indemnified for all responsibilities for the payment of money which he may have incurred as a Trustee aforesaid.

Sec. 6. And be it further enacted by the authority aforesaid, That when any vacancies shall happen in said Board, by resignation, removal, or otherwise, the ministers of the Methodist Episcopal Church, composing the South Carolina annual Conference, when in conference assembled, shall have the right of filling such vacancy as shall occur in the trust now filled by the first seven incumbents named, to wit, William Capers, William M. Kennedy, Malcom McPherson, William M. Wightman, Henry Bass, Nicholas Tally, and James Dannelly, so that at all times seven of the eleven members of the Board shall hold their offices by the appointment of the aforesaid conference, whose certificate, signed by the President (for the time being) of the conference, and witnessed by the Secretary, shall be sufficient evidence of such appointment; and the said Board of Trustees shall fill up any vacancies that shall occur in the four remaining trusts.

Sec. 7. And be it further enacted by the authority aforesaid, That this Act shall be and continue of force for the term of twenty-one years, and from thence until the adjournment of the next ensuing Session of the Legislature.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER IX.

An Act to Incorporate a Bank in the Town of Camden.

Section 1. Be it enacted by the Honorable, the Senate and House Commissioners of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in order to establish the said Bank, the following persons be, and they are hereby, appointed commissioners to receive subscriptions, at the several places hereinafter named, to wit: at Camden, Christopher Matheson, William E. Johnson and John J. Blair; at Sumterville, William Haynesworth, F. J. Moses and John B. Miller; at Lancasterville, J. H. Witherspoon, senr., M. Clinton, and Benjamin Massey; at Cheraw, James Wright, Alexander Muirhead and David S. Harlee; at Winnsborough, Rob-
subscriptions
and amount.


dec. 1835.

ert Cathcart, David Aiken and Hugh Barckley; at Charleston, John Robinon, M. Cohen and John Fraser; at Columbia, Richard O’Neill, B. L. M’Laughlin and David Ewart; at Marion court house, Thomas Evans, Robert Harllee and John H. Cherry; at Darlington court house, E. R. M’Iver, George W. Dargan and Samuel Wilkins; at Chester court house, Samuel M’Ailley, Greenbury Colvin and John M’Kee; at Union court house, John J. Pratt, Col. Wm. K. Clowney and John Rogers. And the said commissioners, or a majority of them, at each of the said places, shall, on the first Monday in May next, and the day following, open subscriptions from 10, A. M. until 2 P. M. on each day at each of the above places, respectively, for the purpose of raising the sum of two hundred thousand dollars, whereof four weeks public notice shall be given in the public Gazettes of Camden, Columbia, Cheraw, Charleston and Sumter; and the above named commissioners, at all the above named places, except Camden, shall, on the second Monday in May next, forward, respectively, correct lists of the shares subscribed, together with the monies paid on said shares at the time of subscribing, for the purpose of apportioning the same, to the above named commissioners, at Camden, who shall make out and forward to all the above named commissioners, respectively, a schedule of said apportionments; and such said subscribers, paying their subscription monies, respectively, as hereinafter mentioned, then being stockholders, and all persons who may become stockholders in the said company shall be and are hereby incorporated and made a corporation and body politic, by the name and style of “The Bank of Camden, South Carolina,” and so shall continue until the first day of January, one thousand eight hundred and fifty-six; Provided, that no subscription shall be allowed, on either day appointed for opening books, for a greater number of shares than two hundred; and provided also, that each subscriber shall declare on oath that the stock for which he has subscribed is his own bona fide property; or where subscriptions are made by an agent or guardian, such agent or guardian shall declare on oath that such stock is, to the best of his knowledge and belief, actually the property of such person in whose name or for whose benefit such stock is subscribed.

sec. 2. And be it further enacted, by the authority aforesaid, That in case the amount of two 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 Camden on the first Monday in July next, by the above named commissioners, to remain open for thirty days unless the full amount of stock shall be sooner subscribed.

sec. 3. An election shall be held, at Camden on the first Monday in June next, by the stockholders, for seven directors from among themselves, who shall hold their office until the first Monday in May ensuing; there shall be an election in said corporation on the first Monday in May in each year, and in default thereof, on such other
day as shall be fixed by the said corporation, of 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 Mon-
day in May next ensuing the time of such election, and the said di-
rectors, at their first meeting after such election shall choose one of
their number as President, who shall receive a majority of votes
actually given; and in case any director shall die, resign, remove from
the state, or be removed from office by the stockholders, his place
shall be filled by the other directors for the remainder of the year,
and a fair and correct list of the stockholders shall be made out by
the directors, at least one month previous to any election for directors
subsequent to the first election, to be submitted to the inspection of
any of the stockholders; Provided, nevertheless, that in case the
whole amount of capital stock shall not have been subscribed for
on the first opening of the books of subscription, then this election
shall take place at such time thereafter as the commissioners at Cam-
den shall name, whereof twenty (20) days notice shall be given; and
to prevent a division of shares for the purpose of obtaining an undue
influence, the managers of elections for directors of said bank, shall
administer to every stockholder offering to vote, the following oath;
to-wit: “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 oth-
other person or persons is or are concerned therein;” and to any stock-
holder offering to vote as proxy, or for a minor, or in right of or in
trust for any other stockholder entitled to vote, the following oath;
to-wit: “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 knowl-
dge and belief, the property of the said C. D. and that no other per-
son or persons is or are, to the best of your knowledge and belief,
concerned therein.” And any stockholder, refusing to make such
oath or affirmation, shall not be allowed to vote at such election.

Sec. 4. That the said corporation, by its said name and style shall Powers of the
be, and is hereby made capable in law, to have, purchase, receive,
possess, enjoy and retain, to it and its successors, lands, rents, tene-
ments, hereditaments, goods, chattels, promissory notes, bills of ex-
change, and all other choses in action, monies and effects, of what
kind, value 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 de-
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
and renew, at pleasure; and also to discount bills of exchange, and
promissory notes, at a rate of interest not exceeding one per cent. for
sixty days; and also to order, establish and put in execution, such

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by-laws, or 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, nor of the United States, or to the Constitutions 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.

Sec. 5. That in case a greater sum than two hundred thousand dollars be subscribed, the Commissioners above named at Camden, shall not in apportioning said shares, take from subscribers for only five shares, unless they cannot otherwise sufficiently reduce the amount subscribed. That the capital stock of the said Bank shall be divided into four thousand shares of fifty dollars each share; that one fifth of each share shall be paid at the time of subscribing, and one other fifth on the third Monday of August next, ensuing, and the balance of the stock at such times, as the directors shall deem most conducive to the interest of the stockholders, they not requiring more than one fifth of each share every sixty days, of which thirty days public notice shall be given; and all shares on which the payments due shall not be finally made, on the days above mentioned, and at such other times as the directors may require, shall be forfeited with whatever monies may be paid thereon; and all payments shall be made in the bills of the specie paying Banks of this State.

Sec. 6. That the number of votes to which each stockholder shall be entitled, shall be in the following proportion to wit, for every four shares, one vote; for every four shares above four, and not exceeding twenty, one vote; for every eight shares above twenty, not exceeding sixty, one vote; for every twelve shares above sixty, not exceeding one hundred and twenty, one vote; for every sixteen shares above one hundred and twenty, one vote; for every sixteen shares above one hundred and twenty, not exceeding two hundred, one vote; for every twenty shares above two hundred, one vote: Provided, always, that no person, copartnership or body politic, shall be entitled to a greater number than forty votes. That after the first election, no share or shares shall confer a right of suffrage, which shall not have been helden three calendar months previous to the day of election; 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 resident therein, and none other, may vote by proxy; Provided that such proxy be a stockholder and citizen of the United States.

Sec. 7. That no stockholder who is not a citizen of the United States, 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 indorser of any bill of exchange, or maker or indorser of any promissory note, 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 reason, and legal and sufficient cause for refusing payment of the demand, on which such protest may be founded.

SEC. 8. That not less than four directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in the case of sickness or necessary absence, when his place may be supplied by any other 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.

SEC. 9. 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 government and ordering of the officers of said corporation as shall be prescribed, fixed and determined by the laws and regulations thereof.

SEC. 10. That the President, Cashier, and Clerks employed, in keeping the books of said Bank, shall be, and they are hereby declared to be exempted from the performance of ordinary militia duty, and from serving as jurors.

SEC. 11. That no director or other officer of said Bank, shall directly or indirectly receive any compensation for any agency for negotiating any business in the Bank in procuring discounts, renewing notes, or receiving money for 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 the said Bank.

SEC. 12. 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 holder of two hundred shares or upwards, shall require the same; Provided, that no such meeting of the stockholders shall be competent to transact business unless one month's notice thereof be given in at least two public Gazettes, and unless a majority of stock in said Bank be represented.

SEC. 13. That the lands, tenements and hereditaments, which it shall be lawful for said corporation to hold, shall be only such as may be requisite for its immediate accommodation for the transaction of its business, to an amount not exceeding twenty 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.
Sec. 14. That the said Bank shall not issue any bill or note for the payment of money, nor commence discounting till one third part of its capital stock in specie shall be deposited in its vaults, nor until a bonus of five thousand 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 time it is hereby incorporated.

Sec. 15. That the stock of said Bank shall be assignable and transferable according to such regulations, and upon such terms as may be provided and fixed by the corporation.

Sec. 16. That the bills or notes which may be issued by the order of said corporation, signed by the President and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of said corporation, shall be binding and obligatory on 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 order, shall be assigned 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 negotiable and assignable by delivery only.

Sec. 17. 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 may happen, shall be liable for the same in their private and individual capacity, 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 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 the said excess; and such of the said directors 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 so 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 of the stockholders to be called for said purpose.

Sec. 18. That the said corporation shall not be permitted to purchase any public debt whatsoever, except stock of this State or of the United States; nor shall directly or indirectly, trade in any thing ex-
except notes, bills of exchange, gold and silver bullion, or in the sale 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 centum discount for sixty days, for or upon its loans or discounts. That if the said corporation, or any person or persons, for 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 loose treble the value of the goods, wares and merchandize, 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 to the use of the State.

Sec. 19. 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 receivable by the treasurers, tax collectors, and solicitors, and other public officers, in all payments for taxes, or other monies, due to the State, so long as said Bank shall pay gold and silver current 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 he is hereby required, to countermand the receipt of the bills or notes of the Bank in payment of taxes, or debts due to the State, unless good and satisfactory cause shall be shown him, by the said corporation, for contesting in a court of justice the payment thereof.

Sec. 20. That dividends shall be made at least twice in each year by the said corporation, of so much of the profits of 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.

Sec. 21. That in case of the failure of the 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 six 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.

Sec. 22. And the said corporation is hereby authorized to increase their capital to a sum not exceeding five hundred thousand dollars, should a majority of the stockholders, at a general meeting, at any time during the continuance of their charter, deem the same necessary or advisable, by disposing of any number of additional shares, not exceeding six thousand, and for every hundred dollars of additional stock, so disposed of by the said corporation, the Bank shall pay into the Treasury the sum of two dollars and fifty cents.

Sec. 23. That any real estate, bills, notes, 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 the said Bank for the use of the persons, or persons, for the use of the State.
the use and benefit of all persons holding shares in the 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.

Sec. 24. That the said Bank shall not be authorized to issue bills under the denomination of five dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER X.

AN ACT MORE EFFECTUALLY TO PREVENT FREE NEGROES AND OTHER PERSONS OF COLOR FROM ENTERING INTO THIS STATE, AND FOR OTHER PURPOSES.

SECTION 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 from and after the passing of this act, it shall not be lawful for any Free Negro or Person of Color to migrate into this State, or be brought or introduced into its limits, under any pretext whatever, by land or by water; and in case any Free Negro or Person of Color, (not being a seaman on board any vessel arriving in this State,) shall migrate into or be introduced into this State contrary to this act, it shall and may be lawful for any white person to seize and carry him or her before any magistrate of the District or Parish where he or she may be taken, and it shall be the duty of the Sheriff or any Constable in the Parish or District in which said entry shall be made, and of the City Marshals in the City of Charleston, should the entry be made in Charleston, upon information of the migration or introduction of any such Free Negro or Person of Color, to arrest and bring before some magistrate of the District or Parish where the said Free Negro or Person of Color shall be taken; which magistrate is by this act empowered to commit to prison, or at his discretion to hold to bail such Free Negro or Person of Color, and to summon three freeholders and form a court as the law directs for the trial of Persons of Color, and examine such Free Negro or Person of Color within six days after his or her arrest, and on conviction to order him or her to leave the State, and to commit such Free Negro or Person of Color so convicted to close prison until such time as he or she can leave the State; or to release him or her on sufficient bail for any time not exceeding fifteen days, at the discretion of the magistrate. And every Free Negro or Person of Color, so bailed, and ordered to leave the State as aforesaid, who shall not have left the State within the time for which he or she shall have
been released on bail, or who, having left the State after conviction as aforesaid, shall return into the same, shall be arrested and committed to close prison as aforesaid, and upon proof before a court, to be constituted as this act directs, of his or her having failed to leave the State as aforesaid, or of his or her having returned into the State, after having left the same as aforesaid, he or she shall be subjected to such corporal punishment as the said court, in their discretion, shall think fit to order. And if, after said sentence or punishment, such Free Negro or Person of Color, shall still remain in the State longer than the time allowed, or having left the State, shall thereafter return to the same, upon proof and conviction thereof, before a court to be constituted as aforesaid, he or she shall be sold at public sale as a slave, and the proceeds of such sale shall be appropriated and applied, one half thereof to the use of the State, and the other half to the use of the informer. 

Sec. 2. And be it further enacted by the authority aforesaid, That Sheriffs duty, it shall not be lawful for any Free Negro or Person of Color to come into this State on board any vessel, as a cook, steward, or mariner, or in any other employment on board such vessel; and in case any vessel shall arrive in any port or harbor of this State from any other State or foreign port, having on board any Free Negro or Person of Color employed on board such vessel as a cook, steward or mariner, or in any other employment, it shall be the duty of the Sheriff of the District in which such port or harbor is situated, immediately on the arrival of such vessel, to apprehend such Free Negro or Person of Color so arriving contrary to this act, and to confine him or her closely in jail until such vessel shall be hauled off from the wharf and ready to proceed to sea; and that when said vessel is ready to sail, the captain of the said vessel shall be bound to carry away the said Free Negro or Person of Color, and to pay the expenses of his or her detention. And in every such case it shall be the duty of the Sheriff aforesaid, immediately on the apprehension of any Free Negro or Person of Color, to cause said captain to enter into recognizance with good and sufficient security, in the sum of one thousand dollars, for each Negro or Person of Color so brought or introduced into this State, that he will comply with the requisitions of this act, and that on his neglect, refusal, or inability to do the same, he shall be compelled by the Sheriff aforesaid to haul said vessel into the stream, one hundred yards distant from the shore, and remain until said vessel shall proceed to sea. And if said vessel shall not be hauled off from the shore as aforesaid, on the order of the Sheriff aforesaid, within twenty-four hours after said order, the captain or commanding officer of said vessel shall be indicted therefor, and on conviction, forfeit and pay one thousand dollars, and suffer imprisonment not exceeding six months. 

Sec. 3. And be it further enacted by the authority aforesaid, That Sheriffs duty, whenever any Free Negro or Person of Color shall be apprehended
and committed to jail, as having arrived in any vessel in the capacity of cook, steward, mariner, or otherwise contrary to this act, it shall be the duty of the Sheriff, during the confinement in jail of such Free Negro or Person of Color, to call upon some Justice of the Peace or Quorum, to warn such Free Negro or Person of Color never to enter the said State after he or she shall have departed therefrom, and such Justice of the Peace or Quorum shall, at the time of warning such Free Negro or Person of Color, insert his or her name in a book to be provided for that purpose by the Sheriff, and shall therein specify his or her age, occupation, height, and distinguishing marks, which book shall be good and sufficient evidence of such warning; and said book shall be a public record, and be subject and open to the examination of all persons who may make application to the Clerk of the Court of General Sessions, in whose office it shall be deposited. And such Justice shall receive the sum of two dollars, payable by the captain of the vessel, in which said Free Negro or Person of Color shall be introduced into this State, for the services rendered in making said entry. And every Free Negro or Person of Color who shall not depart the State, in case of the captain refusing or neglecting to carry him or her away, or having departed, shall ever again enter into the limits of this State by land or by water, after having been warned as aforesaid, shall be dealt with as the first section of this act directs in regard to Persons of Color who shall migrate or be brought into this State.

SEC. 4. And be it further enacted by the authority aforesaid, That it shall not be lawful for any master or captain of any vessel, or for any other person to introduce or bring into the limits of this State any Free Negro or Person of Color as a passenger, or as a cook, mariner, steward, or in any other capacity, on board of such vessel whose entrance into this State is prohibited by this act; and if any master or captain of any such vessel as aforesaid shall bring or introduce into this State any such Free Negro or Person of Color, whose entrance is prohibited as aforesaid, or if any other person shall introduce by land, as a servant, any Free Negro or Person of Color, every such person shall for the first offence be indicted therefor, and on conviction be fined in a sum not exceeding one hundred dollars; and for the second offence be liable to forfeit and pay, for each Free Negro or Person of Color so brought into this State, the sum of one thousand dollars, and shall moreover be liable to be imprisoned for any term of time not exceeding six months; and such Free Negro or Person of Color so introduced, whose entrance into this State is prohibited as aforesaid, shall be dealt with as is prescribed in the first section of this act.

SEC. 5. And be it further enacted by the authority aforesaid, That it shall not be lawful for any Free Negro or Person of Color, who has left the State at any time previous to the passing of this act, or for those who may hereafter leave the State, ever to return again into the same, without being subject to the penalties of the first section of this act as fully as if they had never resided therein.
Sec. 6. And be it further enacted by the authority aforesaid, That it shall not be lawful for any citizen of this State or other person to bring into this State, under any pretext whatever, any slave or slaves from any port or place in the West Indies, or Mexico, or any part of South America, or from Europe, or from any sister State, situated to the North of the Potomac river, or the City of Washington. Neither shall it be lawful for any person to bring into this State, as a servant, any slave who has been carried out of the same, if at any time during the absence of such slave from this State, he or she hath been in ports or places situated in Europe, in the West Indies, or Mexico, or any part of South America, or in any State North of the Potomac or City of Washington; and any person who shall bring into this State any slave, contrary to the meaning of this act, shall forfeit and pay the sum of one thousand dollars for each such slave, to be recovered in an action of debt in any court having jurisdiction, and each and every such slave shall be forfeited as is hereinafter provided by this act; Provided, that nothing herein contained shall prevent any owner from bringing into this State any runaway slave who may have been retaken.

Sec. 7. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any white person, on the arrival of any slave into this State from any other State or foreign port, to arrest and carry him or her before some magistrate of the District or Parish where he or she may be taken, and it shall be the duty of the Sheriff or any Constable of the District or Parish, into which such slave shall be brought as aforesaid, on information given, to arrest any slave arriving, brought or introduced into this State, from any other State or foreign port, and carry him or her before some magistrate as aforesaid, who shall forthwith commit such slave or slaves to prison, and there keep him or her until the owner or person introducing such slave or slaves into this State shall make oath that at no time during the absence of such slave or slaves from this State, he, she or they have been in any part or place prohibited by this act; and should such owner or person introducing such slave or slaves neglect or refuse to make such oath, for the space of ten days after he or she shall have received notice of the arrest of such slave or slaves, and of the cause thereof, it shall be the duty of the magistrate aforesaid, to form a court of two magistrates and five freeholders, and on proof to the satisfaction of such court, that such slave or slaves have been beyond the limits of this State, and that such owner or person who shall have introduced them into this State as aforesaid, after having been duly served with the notice of such slave or slaves having been arrested as aforesaid, and of the cause of such arrest, has neglected or refused to make oath as aforesaid, it shall then be lawful for said court to order the said slave or slaves to be sold at public sale, and the proceeds of such sale shall go and be appropriated, one half to the State and the other half to the use of the informer.
Dec. 1885.

Cases of exception.

SEC. 8. And be it further enacted by the authority aforesaid, That all Free Negroes and Persons of Color, and all other persons, shall be exempted from the operation of this act, where such Free Negroes or Persons of Color, and slaves, have arrived within the limits of this State by shipwreck, stress of weather, or other unavoidable accident. But such Free Negroes or Persons of Color, and slaves, shall be, nevertheless, liable to arrest and imprisonment, as is provided by the second section of this act, for all Free Negroes or Persons of Color migrating or introduced into this State contrary to law; and each Free Negro or Person of Color, and slaves, and all other persons shall be subject to all the other penalties of this act, if the requisitions of the same be not complied with, within thirty days after such shipwreck, stress of weather or other unavoidable accident.

Sec. 9. And be it further enacted by the authority aforesaid, That this act shall not extend to Free Negroes or Persons of Color, who shall arrive in any port or harbor of this State, as cooks, stewards, mariners, or as otherwise employed, in any vessel of war of the United States' Navy, or on board of any national vessel of the navies of any of the European, or other powers in amity with the United States, unless said Free Negroes, or Persons of Color, shall be found on shore after being warned by the Sheriff, or his deputy, to keep on board their vessels. Nor shall this act extend to Free American Indians, Free Moors or Lascars, or other colored subjects of countries beyond the Cape of Good Hope, who may arrive in this State in any merchant vessel.

Sec. 10. And be it further enacted by the authority aforesaid, That in case any master, or mate, of any vessel, on his arrival, shall make any false return to the Sheriff, or his deputy, of the number of persons he may have on board, whose entrance may be prohibited by this act, he shall forfeit and pay the sum of one thousand dollars, to be recovered by an action of debt, in any court having jurisdiction; and any master of a vessel, or other person, opposing the Sheriff, or his deputy, or any Constable or Marshal, in the execution of his duty under this act, and all persons aiding and abetting him therein, shall be liable to be indicted, and on conviction, fined not exceeding one thousand dollars, and be imprisoned for any term, not exceeding six months.

Sec. 11. And be it further enacted by the authority aforesaid, That any Sheriff, Constable or Marshal, who shall wilfully neglect or refuse to perform the duties required by this act, shall forfeit and pay five hundred dollars, one half to the informer and the other half to the use of the State, to be recovered by action of debt, in any court having jurisdiction.

Sec. 12. And be it further enacted by the authority aforesaid, That all prosecutions under this act, may be maintained without limitation of time; Provided, however, that no prosecution shall be permitted against the masters of vessels, or any other white persons from any part of the United States in less than three months, or
against captains of vessels from foreign ports in less than six months, after the passing of this act.

Sec. 13. And be it further enacted by the authority aforesaid, That so much of an act passed on the twentieth of December, one thousand eight hundred and twenty, entitled “An act to restrain the emancipation of slaves, and to prevent Free Persons of Color from entering into this State, and for other purposes;” and also so much of another act passed on the twenty-first day of December, one thousand eight hundred and twenty-two, entitled “An act for the better regulation and government of Free Negroes and Persons of Color, and for other purposes,” as are repugnant to this act, and so much thereof as makes it the duty of the harbor master to report to the Sheriff the arrival of all Free Negroes in the harbor of Charleston; and also an act passed on the twentieth day of December, one thousand eight hundred and twenty-three, entitled “An act to more effectually to prohibit Free Negroes and Persons of Color from entering into this State, and for other purposes,” be and the same are hereby repealed.

Sec. 14. And be it further enacted by the authority aforesaid, That no Free Negro, or other Free Person of Color, shall carry any arms or weapons, abroad, except with a written ticket from his or their guardian, under pain of forfeiting the same, and being fined or whipped at the discretion of any magistrate and three freeholders, before whom he or they may be convicted thereof. Nor shall any Free Person of Color be hereafter employed as a Pioneer, though he may be subjected to military fatigue duty when called on.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER XI.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

Sec. 1. Be it enacted by the Senate and House of Representatives now met and sitting in General Assembly, and by authority of the same, That a public ferry over the Catawba river, at the plantations of David S. Patton and Joseph Watson, be and the same is hereby established, and vested, jointly, in the said David S. Patton and Joseph Watson, and their heirs, for the term of seven years, and to receive the same rates of toll as are allowed and received at Moore’s ferry over the same river.

Sec. 2. And be it further enacted by the authority aforesaid, That Peter Stokes be and he is hereby authorized to establish a ferry, or into river.
erect a bridge, at his option over Edisto river, on his own land, and the right thereof be vested in him and his heirs for the term of fourteen years; Provided, he leaves a free passage for rafts and boats; and he shall take and receive the same rates of toll as are taken and received at May's ferry; and, Provided further, that he shall not establish the ferry, or erect the bridge, within three miles of May's ferry.

Sec. 3. And be it further enacted by the authority aforesaid, That the ferry over the Catawba river, called Moore's ferry, be and the same is re-chartered and vested in William Moore for the term of seven years, at the same rates of toll heretofore allowed by law.

Sec. 4. And be it further enacted by the authority aforesaid, That John C. Hope be and he is hereby authorized to close up the road in Lexington District leading from the lower part of said District to Lexington village, thence to Frederick Wise's ferry on Saluda river, thence to Henry Gollman's residence on the Spring Hill road, proceeding to the White Church, and to the point where it intersects the public road leading from Columbia up Broad river to Henderson's ferry; Provided, that the said John C. Hope shall open at his own expense road along the line of his land in lieu of the road above mentioned.

Sec. 5. Be it further enacted by the authority aforesaid, That a public road is hereby established, leading from the North Carolina line, at or near the stone corner, to Landsford on the Catawba River, to run between the Waxhaw and Cane Creeks in said District, and that David Lathan and Samuel Faulkner, and Hugh Montgomery, be required to open the same from Landsford Church, to the Waxhaw Church, and Thomas K. Cureton, Wm. Massey, and George A. Nesbet, be required to open said road from the North Carolina line.

Sec. 6. And be it further enacted by the authority aforesaid, That the road laid out from Neely's Ferry, on Saluda river, to Shotwell's old place in the District of Abbeville, be established as a public road, and the Commissioners of high roads for the lower Saluda Battalion, be, and they are hereby required to take the said road under their charge, and keep the same in repair.

Sec. 7. And be it further enacted by the authority aforesaid, That the charter of Bird Murphy's Bridge, over Tyger River, be and the same is hereby amended, to read as follows, to wit: for every foot passenger crossing the same, shall pay six and a quarter cents, and for every head of horses, neat cattle, sheep or hogs, two cents.

Sec. 8. And be it further enacted by the authority aforesaid, That a road in Newberry District is hereby established as a public road, which shall leave the Chappell ferry road, near Capt. John Plant's, in said District, and from thence to the Saluda, at the mouth of Williams' Creek, and from thence to intersect the Anderson road, leading to Hamburg, in Edgefield District, two miles below Dyson's mills; and the commissioners in whose precinct the said road...
lies, are hereby required to open and keep the same in repair. Dec. 1835.

Sec. 9. And be it further enacted, by the authority aforesaid, That the time for commencing a reconstruction of the Camden Bridge, be extended, and that the company be allowed until the first of January, 1837, for that purpose.

Sec. 10. Be it enacted by the authority aforesaid, That a ferry be established over Stephen's Creek, at the place called the Free ferry, and vested in John Bauskett, for one year from the first of January next; and that he be allowed to receive the following rates of toll: For a wagon and four horses, twenty-five cents; two wheel carriage, twelve and a half cents; for man and horse, six and a quarter cents.

Sec. 11. And be it further enacted, That the ferry over Ashley River, commonly known as Ashley ferry, be and the same is hereby rechartered and vested in Joseph F. Bee, and his heirs, for the term of seven years, at the same rates of toll as heretofore allowed by law.

Sec. 12. And be it further enacted by the authority aforesaid, That the ferry over Seneca river, in Pendleton District, be and the same is hereby rechartered, for the term of seven years, and vested in David Cherry, and his heirs, at the same rates of toll as heretofore allowed by law.

Sec. 13. And be it further enacted, That a public road be opened and established in St. Peter's Parish, leading from the dividing line between the Parishes of St. Peter's and St. Luke's, across Cypress Creek, at the ford known as the New ford, thence to James Garvin's, thence to where the new road, established in the year one thousand eight hundred and thirty-four, leading from Thos. Willingham's, terminates; and that Jesse Deloach, James Garvin and David Weak, be and they are hereby appointed commissioners to lay out said road.

Sec. 14. And be it further enacted, That the twenty-seventh, twenty-eighth, thirtieth and thirty-first sections of an act to establish certain roads, bridges and ferries, passed in the year 1824; and the twenty-third section of an act to establish certain roads, bridges and ferries, passed in the year 1825, be and the same are hereby repealed.

Sec. 15. And be it further enacted, That whenever any commissioner of the roads in any of the boards of this State, shall be absent from his District or Parish, so that the public roads in his division be neglected or badly repaired, it shall be the duty of the Chairman of the Board, where such neglect occurs, to appoint some fit and proper person as overseer of said division, and to cause the roads of said absent commissioner to be put in proper order.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.
CHAPTER XII.

AN ACT TO CONSOLIDATE THE FIRST COMPANY OF THE CHARLESTON ANCIENT BATTALION OF ARTILLERY, AND THE JEFFERSON ARTILLERY INTO ONE COMPANY, AND TO INCORPORATE THE SAME, AND FOR OTHER PURPOSES.

Consolidation.

SECTION 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 the "First Company of the Charleston Ancient Battalion of Artillery," and the "Jefferson Artillery," two companies of the battalion of artillery, attached to the fourth brigade of the militia of this State, be, and the same are hereby consolidated into one company, by the name and title of the "Charleston Ancient Artillery;" and that such persons as have, by agreement between the said two companies, been appointed to offices in the consolidated company, be commissioned by the Commander-in-Chief of this State accordingly; such of them as at present hold offices in either of the said companies, to take rank from the dates of their present commissions respectively.

Powers.

SEC. 2. And be it further enacted by the authority aforesaid, That those persons who now are, or hereafter may become members of the said consolidated corps, be, and the same are hereby created and declared a body politic and corporate, during the pleasure of the State, by the name and style of the "Charleston Ancient Artillery;" and that the said corporation shall be capable in law to have succession of officers and members, to be chosen and admitted according to the rules and regulations made, or to be made, for its government and direction; to make all lawful by-laws; to have a common seal, and to alter the same; and by its said name, to sue and be sued, implead and be impleaded, answer or be answered, in any court of law or equity, in this State.

Exemption and duty.

SEC. 3. And be it further enacted by the authority aforesaid, That the companies composing the battalion of Artillery in the City of Charleston, be, and the same are hereby exempt from mounting and relieving fire-guard, and from attendance by companies in cases of alarm of fire in the said city; and that in lieu thereof, it shall be the duty of the Major, or other officer in command of the battalion, once in every three months, to detail an officer and a sufficient number of privates to man one piece, to attend at the arsenal at each alarm of fire, for the three months next succeeding, which officer and privates shall be subject to the same fines for default, and be tried by courts martial in the same manner, as now provided by law for defaults in the performance of fire guard duty.

Expenses allowed the Corporations.

SEC. 4. And be it further enacted by the authority aforesaid, That each corps of Artillery throughout the State, shall be allowed the sum of twenty five dollars per annum, for each piece of artillery fully manned and regularly exercised, by the said corps respectively, for the purpose of defraying the expenses of the same; to be drawn...
from the treasury by the order of the commanding officer of each
corps, countersigned by the commanding officer of the regiment, or
battalion, to which the said corps may be attached; Provided, the
sum so to be drawn, shall in no case exceed one hundred dollars.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Sovereignty and Independence of the
United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of
Representatives.

CHAPTER XIII.

AN ACT TO VEST IN ANN MARSON TALVANDE, THE RIGHT OR THE
STATE IN CERTAIN REAL ESTATE IN THE CITY OF CHARLESTON.

SECTION 1. Be it enacted by the Senate and House of Representa
tives, now met and sitting in General Assembly, and by the authori
ty of the same, That all the right, title and interest of the State of
South Carolina, in the real estate of Andrew Talvande, deceased, in
the City of Charleston, be and the same is hereby vested in Ann
Marson Talvande, her heirs and assigns, forever.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Sovereignty and Independence of the
United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of
Representatives.

CHAPTER XIV.

AN ACT TO ALTER AND AMEND THE FOURTEENTH SECTION OF AN
ACT ENTITLED “AN ACT TO PROVIDE FOR THE MORE EFFECTU
AL PERFORMANCE OF PATROL DUTY,” PASSED ON THE EIGHTEENTH
DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND
EIGHT HUNDRED AND NINETEEN.

SECTION 1. Be it enacted by the Senate and House of Representa
tives, now met and sitting in General Assembly, and by the authori
ty of the same, That the fourteenth section of an act entitled “An act to
provide for the more effectual performance of Patrol duty,” passed on
the eighteenth day of December, in the year of our Lord one thousand
eight hundred and nineteen, be and the same is hereby altered and
amended so as to read as follows, to wit: “Every owner of any settled
plantation, shall employ and keep on, or in the immediate vicinity of
such plantation, some white man capable of performing Patrol duty,
under the penalty of fifty cents per head, per month, for each and every
working slave which may be on such plantation, to be recovered by
indictment; one half to the informer, the other half to the use of
the State: Provided, always, That nothing herein contained, shall
be construed to affect any person or persons who resides on
his, her or their plantation, for the space of six months in the year,
or who shall employ less than fifteen working slaves on such planta-
tion.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Sovereignty and Independence of the
United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of
Representatives.

CHAPTER XV.

AN ACT TO RELEASE TO THE VESTRY OF WAMBOW CHURCH IN ST.
JAMES' PARISH, Santee, ALL THE RIGHT OR THE STATE TO CERTAIN
PROPERTY THEREIN MENTIONED.

SECTION 1. Be it enacted by the Honorable, the Senate, and House
of Representatives, of the State of South Carolina, now met and
sitting in General Assembly, and by the authority of the same, That
all the right, title and interest of the State of South Carolina, in the
personal property heretofore held by the vestry of Echaw Church, in
the Parish of St. James Santee, be and the same is hereby released
and vested in the vestry of Wambaw Church, in the said Parish,
and their successors in office, for the use of the Congregation of said
church; Provided, that nothing in this act contained, shall be con-
strued to interfere with the private rights of any individual or corpo-
ration.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Sovereignty and Independence of the
United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of
Representatives.

CHAPTER XVI.

AN ACT TO AMEND THE PENSION LAW OF THIS STATE.

SECTION 1. Be it enacted by the Senate and House of Represen-
tatives, now met and sitting in General Assembly, and by the author-
ity of the same, That the first section of an act entitled "An act for
the regulation of the Pensioners of this State," be and the same is
hereby repealed; and that the names of all the Revolutionary Pen-
sioners of this State be stricken from the Pension Roll of this State,
from and after the first day of March, which will be in the year of
our Lord one thousand eight hundred and thirty-seven.
Sec. 2. And be it further enacted by the authority aforesaid, That it shall be the duty of the Treasurers of this State, to notify each Pensioner of this State, in writing, on or before the first day of February, one thousand eight hundred and thirty-six, of the provisions of this act, and of the act passed for the regulation of the Pensioners of this State, in the year of our Lord one thousand eight hundred and thirty-four.

Sec. 3. And be it further enacted by the authority aforesaid, That it shall be the duty of the Comptroller General to make an annual report to this House of the names of the Pensioners of this State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER XVII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT CONCERNING HAWKERS AND PEDLARS, PASSED ON THE SEVENTEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

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 first section of an act passed on the seventeenth day of December in the year of our Lord one thousand eight hundred and thirty-one, entitled an act “entitled an act to amend an act concerning Hawkers and Pedlars,” be so far amended, that the price of a license shall be one thousand dollars, instead of one hundred dollars, as therein provided.

Sec. 2. Be it further enacted by the authority aforesaid, That if any hawker or pedlar, after the first day of March next, shall sell or expose to sale, any goods, wares or merchandize, in any District in this State, without having obtained a lawful license for that purpose, according to the provisions of the act aforesaid, as amended by this act, such hawker or pedlar, on conviction thereof by indictment, shall forfeit and pay the sum of five thousand dollars, instead of the penalty imposed by the first section of the said act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.
CHAPTER XVIII.

AN ACT TO AMEND THE CHARTER OF THE EDGEFIELD RAIL ROAD COMPANY.

Section 1. 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 Edgefield Rail Road Company, when formed according to the provisions of the charter, be authorized to construct a Rail Road, from the town of Edgefield to a point at or near the town of Hamburg, on the most practicable route, instead of the Rail Road previously authorized, with the same rights, immunities and privileges heretofore conferred for the Rail Road from Edgefield to Aiken.

Sec. 2. And be it further enacted by the authority aforesaid, That the commissioners, heretofore appointed for Edgefield, may open books, at the town of Edgefield, for subscription to the stock of said Company, at such time as may be found most convenient, after three weeks notice in some of the Gazettes of this State of such time, and keep said books open until the first Monday of January, 1837, unless the amount of seven hundred and fifty shares of the stock of said company be previously subscribed; and that the charter of said company shall not be forfeited if seven hundred and fifty shares of the stock be subscribed on or before the said first Monday of January, 1837.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER XIX.

AN ACT TO INCORPORATE THE CINCINNATI AND CHARLESTON RAIL ROAD COMPANY.

Section 1. 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 for the purpose of establishing a communication by Rail Road, between the Cities of Cincinnati in the State of Ohio, and Charleston in the State of South Carolina, through the States of Kentucky, Tennessee, North Carolina and South Carolina, the formation of a Company, to be called "The Cincinnati and Charleston Rail Road Company," is hereby authorized, which, when formed, shall have corporate existence in perpetuity in each of the States aforesaid.

Sec. 2. Books for subscriptions for sixty thousand shares of the capital stock of the said company, of one hundred dollars each, shall
be opened on the third Monday in October next, and shall be kept open for six successive days, between the hours of ten o'clock in the morning, and four o'clock in the evening of each of those days, at the following places and by the following commissioners, to wit: at Charleston, by Saml. Burger, Charles M. Furman, and A. W. Campbell; at Columbia, by James Boatwright, A. Wallace, and P. M. Butler; and at such other places in the State of South Carolina, and by three such commissioners at each of the said places, as the Legislature or Governor of the said State shall designate and appoint. At Ashville, Lincolnton and Rutherford, and such other places in the State of North Carolina, and by three such commissioners at each of the said places, as the Legislature or Governor of the said last mentioned State shall designate and appoint. At Knoxville, Jonesborough, and Newport, and such other places in the State of Tennessee, and by three such commissioners at each of the said places, as the Legislature or Governor of the said last mentioned State shall designate and appoint. At Cincinnati in the State of Ohio, by Daniel Drake, E. D. Mansfield, and John S. Williams, and at such other places, and by three such commissioners at each of said places as the Governor of the said last mentioned State may designate and appoint. At Lawrenceburg and such other places in the State of Indiana, and by three such commissioners at each of said places as the Governor of the last mentioned State may direct and appoint.

Sec. 3. That the said commissioners, or a majority of them, at First instal—each of the places aforesaid, or so as aforesaid to be designated, shall meet, receive subscriptions for stock in the said Rail Road Company during the times the said books are directed to be kept open, and on each share, so subscribed, shall demand and receive the sum of five dollars, without which the subscription shall be void.

Sec. 4. That as soon as the time for receiving subscriptions, so as aforesaid, shall have expired, the said commissioners shall respecti—deposited in Bank, redeeming its notes in specie, in the State where the money shall have been received, to the credit of "The Cincinnati and Charleston Rail Road Company;", and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a central commission to be composed of the following persons: David L. Swain, of Ashville, Wade Hampton, of Columbia, John Williams, of Knoxville, William Dickon, of Greenville, Tennessee, and Robert Letcher, of Kentucky, who, or a major—ity of whom, shall meet at Knoxville, on the first Monday in November next, ascertain the whole number of shares taken in said company, and publish the same in some newspaper in each of the cities or
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towns of Cincinnati, Frankfort, Lawrenceburgh, Knoxville, Raleigh, Columbia and Charleston, on or before the third Monday in November next: and if the number of forty thousand shares shall have been subscribed, on each of which there shall have been paid the sum of five dollars, "The Cincinnati and Charleston Rail Road Company," shall be regarded as formed, and the said central commission, or a majority of them, shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of the said duplicates to be deposited in the office of the Secretary of State in each of the States of Kentucky, Tennessee, North Carolina and South Carolina, and thenceforth, and from the day of the closing the books of subscription as aforesaid, the said subscribers to the stock shall form one body politic and corporate, in deed and in law, in all the States aforesaid, by the name and for the purposes aforesaid.

Sec. 5. That in case any of the persons forming the said central commission should not attend at Knoxville on the said first Monday in November next, or attending should refuse or be unable to act, the remaining member or members of the said central commission shall forthwith fill the vacancy, and the person or persons so appointed, shall constitute a part of the said commission.

Sec. 6. But if on closing the books aforesaid, the number of forty thousand shares shall not have been subscribed, then in that case the said central commission, by themselves or their agents, may receive subscriptions from any of the States of Ohio, Indiana, Kentucky, Tennessee, North Carolina and South Carolina, and also from individuals, or bodies corporate, till the number of sixty thousand shares shall have been subscribed: Provided the same shall be done on or before the first day of January, eighteen hundred and thirty seven; and when the said number of sixty thousand shares shall have been subscribed, if the same shall be done on or before the day last aforesaid, or on that day, if a less number, but amounting to forty thousand shares or more, shall have then been subscribed, the said subscriptions shall be closed, the subscribers shall thenceforth form a body corporate as aforesaid, and the declaration thereof shall be made and deposited in the offices of the Secretaries of State, in manner aforesaid. Subscriptions of stock received by the central commission or their agents, shall be accompanied with the certificate of some specie paying Bank in some of the said States, that an amount equal to five dollars on each share subscribed has been deposited therein by the subscriber to the credit of the said company.

Sec. 7. In case more than sixty thousand shares have been subscribed on closing the books where they are first opened, the shares shall be reduced to that number, by deducting the surplus shares from the higher subscribers, placing them on an equality of numbers, as far as can be done—and after such reduction, the holders of the remaining shares shall form the Company, and be interested
therein in proportion to the number of shares which they may DeC. 1835.
then respectively hold.

Sec. 8. If, on closing the books on the first day of January, in the Money to be
year of our Lord one thousand eight hundred and thirty seven, the number of forty thousand shares shall not have been subscribed, the subscribed.
money paid by each subscriber shall be returned to him, by one or more of the commissioners who received it, endorsing on the receipt given for it a check on the Bank where it has been deposited, which the Bank shall be bound to pay only in case the central commission, or a majority of them, shall have published a declaration, that the formation of the Company has failed for want of forty thousand shares being subscribed.

Sec. 9. The said Cincinnati and Charleston Rail Road Company, so formed as aforesaid, 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 or equity in the States of Kentucky, Tennessee, North Carolina and South Carolina; and may make all such regulations, rules and by-laws as are necessary for the government of the corporation or effecting the object for which it is created; Provided such rules, regulations and by-laws, shall not be repugnant to the laws and constitutions of the said States or of the United States.

Sec. 10. The affairs of the said company shall be managed and directed by a general board, to consist of twenty-four directors, of whom three shall be elected from stockholders residing in each of the said States of Ohio, Kentucky, Tennessee, North Carolina and South Carolina, and the remaining nine shall be elected from among all the Stockholders, without regard to their place of residence.

Sec. 11. The President of the company shall be elected by the Directors, from among their own numbers, in such manner as the regulations of the corporation shall prescribe.

Sec. 12. As soon as the number of forty thousand shares shall have been subscribed in manner aforesaid, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet at Knoxville in the State of Tennessee, which they shall cause to be published in one or more newspapers published in each of the States of Ohio, Indiana, Kentucky, Tennessee, North Carolina, and South Carolina; at which time and place the said Stockholders, in person or by proxy; shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws, as may be necessary for the government of the corporation, and the transaction of its business. The persons elected directors at this meeting, shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place, or places, where the subsequent election of directors shall be held; and such elections shall thenceforth be annually made. But if the day of annual election should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to
hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

Sec. 13. The board of directors may fill up all vacancies which may occur in it during the period for which their board may have been elected; and in the absence of the President, may fill his place by electing a President pro tempore.

Sec. 14. The general board of directors may establish under them, a local board, in each of the said States of Kentucky, Tennessee, North Carolina, and South Carolina, to be composed of a President and eight members, and may entrust to such local board, so much of the business and affairs of the company as by the rules and regulations of the company may be prescribed.

Sec. 15. All contracts and agreements authenticated by the President and Secretary of the general or a local board, shall be binding on the company without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Sec. 16. The Board of directors shall not exceed in their contracts the amount of the capital of the corporation, and of the funds which the company may have borrowed, and placed at the disposal of the Board; and in case they should do so, the President and directors, who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid, shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors, and the corporation; Provided, that any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the Board, and giving notice thereof to the next general meeting of the stockholders.

Sec. 17. That the said company shall have power and may proceed to construct, as speedily as their means will permit, a Rail Road, with one or more tracks, to be used with steam, animal or any other power, which shall pass through the States of Kentucky, Tennessee, North Carolina and South Carolina, so as to form a continuous line of Rail Road between the cities of Cincinnati and Charleston; the line of which road shall be established by the general board of directors, subject to the control of the stockholders at a general meeting. The said company may use any section of the said Rail Road before the whole may be completed, subject to the rates hereinafter mentioned.

Sec. 18. Neither of the said States of South Carolina, North Carolina, Tennessee nor Kentucky, shall, within the period of thirty-six years, from the first day of January, in the year of our Lord, one thousand eight hundred and thirty-six, authorize the construction of any Rail Road within twenty miles of the Rail Road so to be constructed by the Cincinnati and Charleston Rail Road Company, which shall connect any points or places on their Rail Road, or which shall run in the general direction thereof, without the consent of the said company.
SEC. 19. The said company may construct branches of their road, Dec. 1635.
Provided such branches shall not conflict with any chartered rights, W.)
existing at the time of their construction; and Provided, that they
shall be attended with no exclusive privileges, except the exclusive
right of transportation of goods, wares, merchandise, produce and
persons thereon, subject to the rates hereinafter mentioned.

SEC. 20. That the said company shall have the exclusive right of Rates of trans-
transportation, or conveyance of persons, goods, merchandise and
produce, over the said Rail Road and its branches, by them to be con-
structed; Provided, that the charge of transportation, or convey-
anee, shall not exceed thirty-five cents per hundred pounds, on heavy
articles, and ten cents per cubic foot on articles of measurement, for
every hundred miles, and five cents a mile for every passenger; and
Provided also, that the said company may, when they see fit, farm
out their right of transportation on the said road or any of its bran-
ches, subject to the rates above mentioned.

SEC. 21. The said company, and every person who may have re-
ceived from them the right of transportation of goods, wares, and
produce, on the said road, shall be deemed and taken to be a common
carrier, as respects all goods, wares, merchandise and produce en-
trusted to them for transportation.

SEC. 22. The general board of directors may call for the payment
of ninety five dollars on each share of the stock, in sums not exceed-
ing five dollars in every sixty days, except, that after eighty dollars
have been paid on each share, the remaining twenty dollars may be
called for in two instalments which shall be at least sixty days apart,
or the payments may be called for in smaller sums, and at more dis-
tant periods. The call for each instalment shall be advertised in one
or more newspapers in Cincinnati, Lawrenceburg, Lexington,
Frankfort, Knoxville, Ashville, Columbia and Charleston, where
newspapers shall be published, and such other places as may be di-
rected by the rules of the company, at least one month before the
time the same is to be paid, and failure to pay or secure to be paid,
according to the rules of the company, any of the instalments so
called for, as aforesaid, shall induce a forfeiture of the share or shares
on which default shall be so made, and all payments thereon, and the
same shall vest in and belong to the company, and may be appropri-
ated as they shall see fit.

SEC. 23. The stock of the said company may be transferred in such
manner and form as may be directed by the by-laws of the company.

SEC. 24. The said company may at any time increase its capital
Company ma-
to a sum sufficient to complete the said road and its branches, and
increase its
capital.
stock it with every thing necessary to give it full operation and ef-
fect, either by opening books for new stock, or by selling such new
stock, or by borrowing money on the credit of the company, on the
mortgage of its charter and works; and the manner in which the
same shall be done in either case, shall be prescribed by the stock-
holders at a general meeting.
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How profits may be invested.

Sec. 25. It shall be lawful for the said company from time to time, to vest so much or such parts of their capital or of their profits as may not be required for immediate use, until it may be so required, in the public stocks of any of the states of Ohio, Indiana, Kentucky, Tennessee, North Carolina, or South Carolina, or of any incorporated Banks in the said States, provided the sum so invested shall at no one time exceed one million of dollars.

Reports of the board.

Sec. 26. The board of directors shall once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law; and shall have power to call a general meeting of the stockholders, when the board may deem it expedient, and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof; and the company may provide by a by-law for the votes of stockholders for directors being taken at more than one place, as also for taking the votes on any question relative to the repeal, alteration or amendment of, or addition to, any of the rules, regulations or by-laws of the company proposed by the general board of directors.

Qualification for President or Director.

Sec. 27. No person but a citizen of the United States, and being a bona fide stockholder in his own right, of at least fifty shares, which he shall have held at least three months previous to his election, (except at the first election) shall be President or a director of the general board: nor shall any stockholder vote, in person or by proxy, at any general or other election (except the first) who shall not have held in his own right the share on which he offers to vote, at least three months previous to such election.

Sec. 28. The Stockholders may provide by a by-law, as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

No interested person can contract or vote.

Sec. 29. No member of the general or local board of directors, or officers or agents of the company, shall be directly or indirectly interested in any contract for work; nor shall any director vote on the passing of any bill for materials in which he is directly or indirectly concerned; nor shall any director, officer or agent, be interested directly or indirectly in the purchase of any lands, buildings or other property immediately on the line of railroad or any branches thereof, without having first offered to the board of directors, in writing, the right of pre-emption to all or any part of such lands, building or other property, which the said board may think proper to purchase for the use of the company; and every director, officer, or agent, violating this provision, may be removed from the board, his office, or employment, by vote of the directors, and every purchase made in violation of this rule shall ensue to the benefit of the company, if the board of directors choose to avail themselves thereof.

Sec. 30. Any stockholder in the company may vote by proxy—who
must be a resident citizen of the United States; and before he votes he may be required by a stockholder to swear, that to his belief, the stock bona fide belongs to the person whom he represents. Before any stockholder votes in his own right, or for an estate, he may be required by any stockholder to swear, that he is the bona fide owner of the said stock, in his own right, or as the legal representative of the testator or intestate whom he represents, and that no other person but himself or the estate is directly or indirectly interested therein, to his belief. Any State holding stock may vote by such person as the Legislature or Governor thereof may appoint, or as may be appointed in any other way, pursuant to the laws of the State made for that purpose.

Sec. 31. That in the election of directors, and in voting on all questions which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale: The owner of one or two shares shall be entitled to one vote; the owner of not less than three, nor more than four shares, shall be entitled to two votes; the owner of not less than five, nor more than six shares, shall be entitled to three votes; the owner of not less than seven, nor more than eight shares, 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, 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 shares, nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four shares, nor more than forty shares, to ten votes; and the owner of every ten shares above forty shall be entitled therefor to one vote; Provided, that no individual, corporation nor State holding stock in the said company, shall be entitled to more than five hundred votes, and one vote for every fifty shares over five thousand shares. Any person being a subscriber or stockholder, who may offer to vote as a proxy, may be required by any subscriber or stockholder, to swear that he has no interest, directly or indirectly, in the stock on which he so 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.

Sec. 32. The said company may purchase, have and hold, in fee, or for a term of years, any lands, tenements or hereditaments, which may own, may be necessary for the said road, or any branch or appurtenance thereof, or for the erection of depositories, store-houses, houses for the officers, servants, or agents of the company, or for workshops or founderies, to be used for the said company, or for procuring timber, stone, or other materials necessary to the construction of the road,
its branches or appurtenances, or for effecting transportation thereon, and for no other purpose whatever.

Sec. 33. The said company shall have the right, when necessary, to conduct the said Rail Road, or any branch thereof, across or along any public road or water course; Provided, that the said road and the navigation of such water course shall not be thereby obstructed.

Sec. 34. The said company may purchase, have and hold, any bridge, or turnpike road, over which it may be necessary to carry the said Rail Road; and when such purchase is made, to hold the said bridge or turnpike road, on the same terms and with all the rights which belonged to the individuals or corporation from which such purchase may be made: Provided, that the said company shall not obstruct any public road, without constructing another as convenient as may be.

Sec. 35. That where 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 valuation, to be made by five commissioners, or a majority of them, to be appointed by any court of record, having common law jurisdiction in the County or 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 some Justice of the Peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage, which may occur 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 erection or establishment of the Rail Road, or works, and shall state, particularly, the nature and amount of such; and the excess, or loss and damage, 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 full description of the said land, or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from said valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party, of such appeal, the court, upon satisfactory proof, that the appellant has been injured by the said valuation, 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 lands or right of way, so valued by the commissioners or jury, shall vest in the said company, in fee simple, as soon as the valuation may be paid, or when refused, may be tendered. Where there shall be an appeal, as aforesaid, from the valuation of commissioners, by either of the parties,
the same shall not prevent the works intended to be constructed
from proceeding; but where the appeal is made by the company, re-
quiring 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 of by the clerk of the court where the valua-
tion is returned, in a penalty equal to double the said valuation, con-
ditioned for the payment of the 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.

Sec. 36. In the absence of any contract, or contracts, with the
said company, in relation to lands, through which the said road or its
branches may pass, signed by the owner thereof or his agent, or any
claimant, or person in possession thereof, which may be confirmed
by the owner thereof, it shall be presumed that the land upon which
the said road, or any of its branches, may be constructed, together
with the space of one hundred feet on each side of the centre of the
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, so 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 that 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 the said lands, as hereinbefore directed, within five years
next after that part of the road 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 five years next after the said part
was finished, or, she, or they shall be forever barred from recovering
the said lands, or having any assessment or compensation there-
for; Provided, nothing herein contained shall affect the rights of fem-
coverts, or infants, until two years after the removal of their respec-
tive disabilities.

Sec. 37. All lands, not heretofore granted to any person, nor ap-
propriated by law to the use of the State, within one hundred feet of
the centre of the said road or its branches, which may be construct-
ed by the said company, shall vest in the company, so soon as the
line of the road is definitely laid out through it, and any grant there-
after shall be void.

Sec. 38. That if any person or persons shall intrude upon the
said Rail Road, or any branch thereof, or part thereof, 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 ve-
hicles that may be so intruded on the said road, and the same may be
seized by the company, or its agents, or recovered by suit at law;
and the person or persons so intruding may be also indicted for a mis-
demeanor, and upon conviction fined and imprisoned by any court of
competent jurisdiction.

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Sec. 39. 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 to hurt, damage, injure or obstruct the said Rail Road, 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 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 of the land, where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

Sec. 40. Every obstruction to the safe and free passage of vehicles on the said road or its branches shall be deemed a public nuisance, and may be abated as such, by any officer, agent, or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Sec. 41. That the said company shall have right to take, at the store houses they may establish on or annex to their Rail Road, or the branches thereof, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of priority, and charge and secure 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.

Sec. 42. The profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

Sec. 43. That the capital stock in the said company, the dividends thereon, and all the property and estates, real and personal, belonging to the said company, shall be forever exempt from taxation in each and every of the said States of South Carolina, North Carolina, Tennessee and Kentucky; and it shall not be lawful for either of the said States, or any corporate, municipal, police or other authority thereof, or of any town, city, county or district thereof, to impose any tax on such stock or dividends, property or estates; Provided, that the said stock or dividends, when the said dividends shall exceed the legal interest of the State, may be subject to taxation by the State, in common with other money at interest, and interest thereon.

Sec. 44. That the following officers and persons, in the actual service of the said company, be and hereby are exempted from the
performance of jury and ordinary militia duty, to wit: the presidents of the general and local boards, the chief and assistant engineers, the secretaries, auditors, and accountants of the boards, keepers of Officers &c. the depositories, guards stationed on the road to protect it from injury, (not exceeding one man to every five miles,) and such persons as may be working the locomotive engines, and travelling with cars, for the purpose of attending to the transportation of goods or passengers on the road, not exceeding one engineer and his assistant to each locomotive engine, and one person to each passenger car, and every five cars for transporting goods.

Sec. 45. The said company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives or property, except on goods transported on the said Rail Road or its branches, or in the company's custody, for or in consequence of such transportation.

Sec. 46. And the said company shall be entitled only to such powers and privileges as shall be granted to it by all the Legislatures incorporating it, and the powers necessary and proper to give them effect, and shall be subject to all the restrictions and disabilities which may be imposed on it by any of the Legislatures by the act of incorporation; so that its powers, privileges and disabilities, may be similar in all the States of Kentucky, Tennessee, North Carolina and South Carolina.

Sec. 47. This act shall be inoperative and void, unless acts for a similar purpose are enacted by the Legislatures of North Carolina, Tennessee and Kentucky.

Sec. 48. This act shall be regarded as a public act, and may be given in evidence as such, in all cases, without special pleading.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER XX.

An Act to Incorporate the Town of Hamburg, and for Other Purposes.

Section 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 from and after the passing of this act, all persons, citizens of the United States, having resided three months in the said town of Hamburg, shall be deemed, and are hereby declared to be a body politic, and corporate, and the said town shall hereafter be deemed, and is hereby declared to be a town corporate, and shall be called and known by the name of the town of Hamburg; that
the corporate limits of the said town shall include all the territory contained in the following limits, viz: the Western side of the Savannah river shall be the line for a half mile below, and a half mile above the intersection of Centre and Market streets; the Eastern line shall be one mile in length, extending from the point where Centre street, produced in a straight direction for one mile, will terminate, a half mile in each direction perpendicular to the said street so produced; the Northern line shall be a straight line from the Northern point of the Western, to the Northern point of the Eastern line; the Southern line shall be a straight line from the Southern point of the Eastern to the Southern point of the Western.

Sec. 2. And be it further enacted by the authority aforesaid, That the streets, lanes, and alleys, within the corporate limits of said town of Hamburg, as represented in a plan of said town, drawn and made out on the twenty-third day of February, eighteen hundred and thirty-five, by Thomas Anderson, a deputy surveyor, shall be fixed and permanent, and that the said plan shall be deposited in the Secretary of State's office as a perpetual memorial of the same.

Sec. 3. And be it further enacted by the authority aforesaid, That James Hubbard and John B. Covington be appointed commissioners to ascertain the corporate limits of said town, and that they return a plat thereof to the office of the Secretary of the State.

Sec. 4. And be it further enacted by the authority aforesaid, That an election for an Intendant and six Wardens, shall be held on the second Monday in February next, and that W. A. Young, Robert Anderson, and G. H. Hull, or any two of them, be managers thereof; and on the second Monday in February in every year thereafter, at some convenient public place, in the said town of Hamburg; and that every free white male inhabitant of said town of Hamburg, being a citizen of this State, of the age of twenty-one years and upwards, and who has resided six months, immediately preceding the election, within the town of Hamburg, or has at the time of the election, a free-hold estate within the same, shall be entitled to vote for the said Intendant and Wardens, who shall be residents and freeholders in said town.

Sec. 5. And be it further enacted by the authority aforesaid, That the Intendant and Wardens for the time being, shall give ten days public notice of such election as aforesaid, and appoint the place for holding it, and proper persons for managing and conducting the same; and the said managers, after the election is closed, shall make a return to the Intendant for the time being, of the persons chosen Intendant and Wardens for the ensuing year; and the said Intendant, for the time being, shall give immediate notice to the several persons elected, of their respective election; and when as soon after as the said Intendant and Wardens shall be elected as aforesaid, and before entering upon the discharge of the duties of his or their office, he or they shall, respectively, take the oaths prescribed by the constitution.
of this State, and the following oath or affirmation, viz: “as Intendant and Wardens of the town of Hamburg, 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 carry into effect the purposes for which I have been elected—so help me God;” and the official powers of the Intendant and Wardens, for the time being, shall not cease and determine, until the oaths of qualification shall have been taken by a quorum of their successors in office.

Sec. 6. And be it further enacted by the authority aforesaid, That Vacancies how in case of the death of the Intendant, his resignation, refusal to serve, removal from office, or absence from the State, or in case of any irregularity in, or failure of the election, the Wardens shall, thereupon, appoint a time for choosing another, and give ten days public notice of the same, and in case of the death, resignation, refusal to serve, removal, or absence from the State, or irregularity in, or failure in the election of any of the Wardens, the Intendant shall give the like notice of an election for the purpose of filling such vacancy; and if any person on being elected Intendant shall refuse to act as such, he shall forfeit and pay to the Town Council, for the use of the said town, the sum of thirty dollars; and if any person, on being elected 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 the said town; Provided, that no person that has attained the age of sixty years shall be compelled to serve in either of the said offices, nor shall any other person be compelled to serve more than one year, in any term of three years. And Provided also, that no person shall be eligible to either of the said offices, oftener than three successive years, in any term of five years.

Sec. 7. And be it further enacted by the authority aforesaid, That May have a the Intendant shall and may, as often as occasion may require, summon the Wardens to meet together, any two of whom, with the Intendant, shall constitute a quorum to transact business, and they with the Intendant shall be known by the name of, and are hereby declared to be, the Town Council of the town of Hamburg; and they, and their successors, hereafter to be elected, may have a common seal, and may purchase, have, hold, possess, receive, enjoy, and retain to them, and their successors, in perpetuity, or for a term of years, any estate or estates, real or personal, and of what nature or kind soever, not exceeding the sum of fifty thousand dollars, and may sell, alien, exchange, or lease the same, or any part thereof, as they may think proper, and by the same name, may sue, and be sued, plead, or be impleaded, answer, or be answered unto, in any court of Law or Equity in this State.

Sec. 8. And be it further enacted by the authority aforesaid, That Licenses, &c. the said Town Council, shall have the sole power of granting billiard table, tavern, and retailing licenses, within the limits of said corporation, and to appropriate the monies arising therefrom to the use of the corporation; and that the said Intendant and Wardens, shall have
Sec. 8. And be it further enacted by the authority aforesaid, full power and authority to levy such a tax on the lands, negroes, free persons of color, stock in trade, drays, carts, horses, mules and hogs, and in general on all and every kind of property, both real and personal, within the corporate limits of said Town, as they may deem advisable for the defraying the expenses of, and the maintaining and protecting the said corporation: Provided that no more taxes shall be levied by the said Council, than are absolutely necessary for the purposes aforesaid.

Sec. 9. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Intendant and Wardens, to keep all roads, streets and alleys within the said limits open and in good repair; and for that purpose they are invested, with all the powers granted by law to the commissioners of roads, and for neglect of duty, they shall be liable to the penalties, imposed by law on commissioners of roads for like neglect.

Sec. 10. And be it further enacted by the authority aforesaid, that the said Town Council, shall have power to compound with persons liable to work on the said roads, streets and alleys, 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 use of said corporation, and no person residing within said limits, shall be liable to work on any road, without the said limits, or be taxed or assessed for the same.

Sec. 11. And be it further enacted by the authority aforesaid, that the Town Council, shall have full power and authority to make and establish, and when they see fit, to alter all such rules, by-laws and ordinances, respecting the streets, lanes and alleys, public buildings, markets, weights and measures, the assize prices and inspection of bread, the cording and measuring of fire wood, public houses, billiard tables, retailers of spirituous liquors, fire engines and buckets, disorderly places, and free persons of color; and in general every other by-law and regulation that shall appear to them requisite and necessary for the health, security, good government and welfare of said town; 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, and that all by-laws and regulations which they may make, shall at all times be subject to the revisal or repeal of the Legislature.

Sec. 12. And be it further enacted by the authority aforesaid, that the said Town Council, shall have full power and authority to appoint annually, two fit and proper persons to act as clerk and marshal for the said corporation, and shall allow to each one such a salary as they may deem just and reasonable, that the said marshal shall have all the powers and privileges, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of constable.

Sec. 13. And be it further enacted by the authority aforesaid,
That the Intendant and each of the Wardens, for the time being, shall be vested with all the powers and authority, with which, by the laws of this State, Justices of the Peace are vested, and shall and may exercise the same in every part of the said Town.

SEC. 14. And be it further enacted by the authority aforesaid, Repealing section.

That an Act entitled an Act to incorporate the Town of Hamburg and for other purposes, passed on the nineteenth of December, in the year of our Lord one thousand eight hundred and twenty seven, and in the fifty second year of the Independence of the United States of America, be, and the same is hereby repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER XXI.

AN ACT TO AUTHORIZE THE FORMATION OF THE BARNWELL RAIL ROAD COMPANY.

SECTION 1. 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 formation of a corporate company is hereby authorized for the construction of a Rail Road, on the most practicable route, from the town of Barnwell, to a point within one hundred feet of the Charleston and Hamburg Rail Road, at or near the town of Blackville; and the said company shall have exclusive right to make, keep up, and employ such railroad; and for the term of time hereinafter mentioned, no canal, nor other rail road between the town of Barnwell, and the point aforesaid, shall be constructed by or under the authority of the same.

Sec. 2. And be it further enacted by the authority aforesaid, That Amount of stock and price of shares, of one hundred dollars each share; but the said company shall be at liberty to enlarge their capital, as in the progress of their undertaking, they may find necessary, either by additional assessments on the original shares, not to exceed in the whole the sum of fifty dollars on each original share, or by new subscriptions, in shares 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 said company, from time to time, to invest so much of their capital, or of their profits, as they shall see fit, sell and transfer any parts or portions thereof.
Sec. 3. And be it further enacted by the authority aforesaid, That books for subscription to the stock of the company hereby authorized, shall be opened at Barnwell Court House by five commissioners, to wit: A. Patterson, B. H. Browne, M. D. Maher, James E. Robinson, and James O. Hagood, and the books shall be opened in the said place, on the first Monday in March next, and be kept open for one week, between the hours of nine in the morning and four in the evening, and the time and place of subscribing, shall be advertized by the said commissioners in one or more of the Charleston gazettes and in the Aiken Telegraph, for at least three weeks prior to the day for opening the books. If any of the commissioners before named, shall, after the passage of this act, decline to act, a majority of the delegates in the General Assembly from Barnwell, may appoint a fit and proper person to supply the vacancy of him so declining to act; and if any one of the commissioners shall not attend at the place of opening the books, the other four commissioners may choose a fit and proper person to supply his place. Upon the books being open, as aforesaid, individuals may subscribe for as many shares as they see fit, paying to the said commissioners at the time of subscription, twenty dollars on each share subscribed; 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 in case of over subscriptions, the overplus to be refunded to the subscribers, the balance to be kept by the commissioners, subject to the order of the President or board of directors, after the company is arranged.

Sec. 4. And be it further enacted by the authority aforesaid, That if the number of shares subscribed, shall exceed two hundred, then the shares shall be reduced rateable to that number; except that no subscription of two shares or less shall be reduced. If the number of shares subscribed be less than one hundred shares, the commissioners at Barnwell may keep the books open at that place, until the number of one hundred shares be subscribed, and twenty dollars be paid on each share as aforesaid. If the number of shares subscribed, shall be less than two hundred, but amount to a moiety thereof, namely, one hundred shares, the said company may be formed thereon, and the said company, when organized, may cause books to be opened by the directors, after sixty days notice of the time and place of subscription, and receive such additional subscriptions as can be obtained on the condition aforesaid; that twenty dollars be paid on each share at the time of subscription; and may keep the books open until the whole number of two hundred shares be subscribed.

Sec. 5. And be it further enacted by the authority aforesaid, That on the subscriptions of shares in the stock of the company, to an amount equal to, or exceeding a moiety of the whole number as aforesaid, being made; or in case of excess of subscription, upon the number being reduced to two hundred in manner aforesaid, the
said company shall be considered as formed, and this act of incorporation shall and may attach and become effectual, and the company may take measures for complete organization. For this purpose the commissioners in Barnwell, shall appoint a convenient time and place for the meeting of the stockholders, and shall cause the same to be advertised in one or more, respectively, of the Gazettes published in Charleston and Barnwell, for three weeks prior to the day of meeting, at which time and place the subscribers of the stock may attend in person, or by proxy, and the meeting be assembled, and a proper registry made of all the subscribers who may be in attendance in person or by proxy; the commissioners at Barnwell, or a majority of them attending, shall present a ballot box, in which the subscribers may vote by ballot for a president and seven directors, to serve for one year, and until a new election be made; and the presiding commissioner shall count the ballots, declare the election, and make and deliver proper certificates thereof, under their hands.

Sec. 6. And be it further enacted by the authority aforesaid, That in the said elections, and in all future elections for President and directors, and in the making, altering, or repealing of by-laws, and in determining on measures involving the general 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 nine or ten shares shall be entitled to five votes, the owner of eleven or twelve shares shall be entitled to six votes, the owner of thirteen or fourteen shares shall be entitled to seven votes, the owner of fifteen or sixteen shares shall be entitled to eight votes, and in the same proportion for any number of shares subscribed. 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, and Proxies authenticated by the affidavit of the subscribing witness, made before some lawful magistrate, and endorsed upon the writing of appointment. 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.

Sec. 7. And be it further enacted by the authority aforesaid, That the election of President and directors shall be made annually, according to a by-law to be made for that purpose, and in case any vacancy occur in the board, between two periods of general election, a
due. 1835. 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 di-
rectors should pass without election, as to all or any of them being
effected, the corporation shall not be dissolved or discontinued there-
by; but it shall be lawful on any other day to hold and make such
elections, in such manner as may be prescribed by the by-laws of the
corporation, subject always to the scale and regulation of the sixth
section of this act.

Sec. 8. And be it further enacted by the authority aforesaid, That
the said company to be organized as aforesaid, shall be called the
Barnwell Rail Road 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 di-
rection, 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 this State; but the said company and the
provisions of this act, shall not be controlled or affected, by the opera-
tion of any act passed the 17th December, 1827, entitled an act estab-
lishing the principles on which companies shall be incorporated, and
the charters of ferries, bridges and turnpike roads, shall be hereafter
granted, and for other purposes therein expressed.

Sec. 9. And be it further enacted by the authority aforesaid, That
the Barnwell Rail Road Company, shall have power and capacity to
purchase, take and hold, in fee 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 estab-
lish the rail road aforesaid, or to vary or alter the plan or plans, and of
such breadth or dimensions thereof, through the whole course of the
road, as they may see fit; and in like manner take and hold any
lands contiguous to, or in the vicinity of the said rail road, that they
may find necessary for the site on and along which to locate, run and estab-
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road, as they may see fit; and in like manner take and hold any
lands contiguous to, or in the vicinity of the said rail road, that they
may find necessary for the site on and along which to locate, run and estab-
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and over any public road, creek, waters or water courses that may be in the route: Provided, the passage of the public road, or the navigation of the stream be not obstructed thereby.

Sec. 10. And be it further enacted by the authority aforesaid, In cases of private land, &c.
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 for any other cause, the said railroad company are hereby authorized to proceed in the same manner, as laid down in the tenth and eleventh sections of the charter of the Edgefield Rail Road Company.

Sec. 11. And be it further enacted by the authority aforesaid, Charge for transportation.
That the Barnwell Rail Road Company shall have, at all times, 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; Provided, that the charge of transportation or conveyance shall not exceed twelve and a half cents per hundred pounds on heavy articles, and six and a quarter cents per cubic foot on articles of measurement, for ten miles, on the whole route, and five cents per mile, for every passenger. The said company may, when they see fit, rent or farm out all, or any part of their said exclusive right of conveyance, or transportation of persons, merchandise, and produce on the said road, with their privileges, to any individual or individuals, or other company, and for such term as may be agreed upon, subject to the rates above mentioned; and the said company in the exercise of their rights 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 in the same, shall be regarded as common carriers; and the said company may use or employ any sections of their intended railroad, subject to the rates before mentioned, before the whole shall be completed, and in any part thereof, which may afford public accommodation for the conveyance of persons, merchandise or produce; and the said company shall have power to take at the store houses they may establish on, 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 just and reasonable prices and compensation for storage and labor, as they may by rules establish, (which rules they shall cause to be published,) or as may be fixed by agreement with the owners; which compensation shall and may be distinct from the aforesaid rates of transportation.

Sec. 12. And be it further enacted by the authority aforesaid, Company may prescribe rules, &c.
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, and shall deem it expedient to open the said railroad, or any part thereof, to
public use, they shall and may adopt and enforce all necessary rules
and regulations, and have power to prescribe the construction and
size, or burden, 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 power which shall be used with them.

Sec. 13. And be it further enacted by the authority aforesaid,
That if any person or persons shall intrude upon the said railroad,
or any part thereof, or the rights and privileges connected there-
with, without the permission, or contrary to the will of the said
company, he, she or they shall, forthwith, 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 recover by 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 and imprisoned, in the discretion of
the Court of Sessions of the district in which he, she, or they shall
be tried and convicted; and if any person shall wilfully and mali-
ciously, aid, assist, counsel or advise, any other person to destroy, or
in any manner hurt, damage or injure, or obstruct the said road
road, or any work connected therewith, or any vehicle, edifice, right
or privilege, granted by this act, and constructed or 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 company. The pro-
visions of this section shall extend, as well to the owners of the land
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 liberum tenementum, or by any other
plea whatever.

Sec. 14. And be it further enacted by the authority aforesaid,
That the exclusive right to make, keep up and use the said railroad,
and the conveyance and transportation thereupon, shall vest and con-
tinue in the said company, for and during the term of thirty-six years,
to be computed from the time when the said road shall be completed
for transportation; and that during the said term of thirty-six years,
the stock of the company, and the real estate that may be purchased
by them, and be connected or subservient to the work hereby au-
thorized, shall be exempted from taxation, and after the lapse of the
said term of thirty-six years, the said Barnwell Rail Road Compa-
y shall be and remain incorporate, and be vested with all the es-
tate, powers, and privileges, as to their own works herein granted
and secured, except that the Legislature may authorize the forma-
tion of other companies, and the construction of other rail roads or
canals, for the trade or intercourse contemplated herein; but the Legislature may renew and extend the exclusive right of said Barnwell Rail Road Company, upon such terms as may be prescribed by law, and accepted by the company: Provided, that the subscriptions of stock, in said company, be filled up, to the amount of at least one hundred shares within thirteen months from the passing of this act, and the said rail road be commenced within two years, and be completed within six years after one hundred shares shall be subscribed.

Sec. 15. And be it further enacted by the authority aforesaid, 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 and a Treasurer, and all other officers, agents and servants, that they may deem necessary, or that may be prescribed in the bye-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 monies and property, on the termination of their offices, by resignation, removal or expiration of term.

Sec. 16. And be it further enacted by the authority aforesaid, That every subscriber or holder of stock in the said company, shall pay to the company the amount of the shares by him or her subscribed or held, in the following instalments, to wit: one fifth of each share, subscribed, to be paid to the President and Directors at the time of the commencement of the road, of which two months notice will be given in one or more of the Charleston Gazettes, and in the Aiken Telegraph, and the balance to be paid in four regular instalments of three months each, commencing within three months from the first instalment; and on failure, by any subscriber or stockholder to pay up any instalment, 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 see fit. And the said company shall and may prescribe in and by their bye-laws, rules and regulations, the mode of issuing the evidences of shares of stock, and the manner, terms and conditions of assigning and transferring shares of the stock.

Sec. 17. And be it further enacted by the authority aforesaid, 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 bye-laws of the corporation they may be authorized and required to do and perform; and the acts or contracts of the direction, authenticated by the signatures of the President and Secretary, shall be binding on the company, without seal. The di-
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...tion shall not exceed in their contracts the amount of the capital of 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 amount of 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 bye-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 bye-laws for occasional meetings of the stockholders, and prescribe the mode of calling the same.

Sec. 18. And be it further enacted by the authority aforesaid, That this act shall be deemed a public act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER XXII.

AN ACT TO ESTABLISH AND INCORPORATE A BANK IN THE TOWN OF HAMBURG.

Section 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 in order to establish a Bank in the Town of Hamburg, the following persons be, and they are hereby appointed commissioners to receive subscriptions, at the several places hereafter mentioned. At Hamburg, Henry Shultz, W. W. Stark, Oliver Simpson; at Charleston, Charles T. Lowndes, Robert Martin, John C. Holcombe; at Columbia, G. T. Snowden, John Bryce, and J. J. Gracey; at Edgefield, Witfield Brooks, James Jones, Nathan L. Griffin; at Barnwell, Barnett H. Brown, M. D. Maher, and James E. Robertson; at Abbeville, David L. Wardlaw, Wm. C. Black, and Armstead Burt; at Anderson, J. B. Benson, C. Orr, and E. Webb; at Pickens, Wm. L. Keith, Silas Kirksey, and John Burdein; at Greenville, W. Choice, R. Thurston, F. F. Beattie; at Laurens, T. F. Jones, John Garlington and W. Hill; at Newberry Y. J. Harrington, Robert Steward and M. W. Gracy; and the said commissioners, or a majority of them, at each of the said places, shall on
the first Monday in February next and the day following, open subscriptions from the hours of ten, A. M. until two o'clock, P. M. on each day, in the above places, respectively, for the purpose of raising the sum of three hundred thousand dollars, whereof four weeks public notice shall be previously given in the Gazettes of Columbia, Charleston, Georgetown, Cheraw, Camden, York, Greenville, and Pendleton; and the above named commissioners, at all the above mentioned places, shall, on the third Monday in February next, respectively forward correct lists of the shares subscribed, together with the monies paid on such shares, at the time of subscribing, for the purpose of apportioning the same, to the above named commissioners at Hamburg, who shall make out and forward to all the other above named commissioners, respectively, a schedule of the said apportionments, and such said subscribers paying their subscription monies respectively, as hereinafter mentioned, then being stockholders, 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 Bank of Hamburg, South Carolina, and so shall continue until the first day of January, one thousand eight hundred and fifty six; Provided, that no subscription shall be allowed on the first day appointed for opening the books for a greater number of shares than two hundred, and provided also, that each subscriber shall declare on oath that the stock for which he has subscribed, is his own bona fide property, or where subscriptions are made by an agent or guardian, such agent or guardian shall declare on oath, that such stock is, to the best of his knowledge and belief, actually the property of such person in whose name or for whose benefit such stock is subscribed.

Sec. 2. That the said corporation by its 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, monies, 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 the courts of record or 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 bills of exchange and promissory notes, at a rate of interest not exceeding one per cent, for sixty days; and also to ordain, establish and put in execution such bye laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to the laws of the State or of the United States, or to the constitutions thereof, and generally to do and execute, all and singular, such acts, matters, and things which may be deemed proper, for the good government and management of said corporation, subject
Sec. 3. That in case a greater sum than three hundred thousand dollars be subscribed, the commissioners above named at Hamburg, shall, in apportioning said shares, give preference to the subscriptions of the first day, and in no instance reduce any subscription below five shares, unless they cannot otherwise sufficiently reduce the amount subscribed. That the capital stock of said Bank shall be divided into six thousand shares of fifty dollars each share, that twelve dollars and fifty cents in specie shall be paid on each share at the time of subscribing, and that twelve dollars and fifty cents, also in specie, being the second instalment, shall be paid on the first Monday in March next, and that twelve dollars and fifty cents, also in specie, being the third instalment be paid on the first Monday in November next, and that twelve dollars and fifty cents, also in specie, being the fourth and last instalment be paid on the first Monday in December next, and all shares on which the payment due shall not be punctually made, on the days above mentioned, shall be forfeited with whatever monies may have been paid thereupon.

Sec. 4. That the number of votes to which each stockholder shall be entitled, shall be in the following proportion, that is to say, for four shares one vote, for every four shares above four and not exceeding twenty, one vote, for every eight shares above twenty, and not exceeding sixty, one vote, for every twelve shares above sixty and not exceeding one hundred and twenty, one vote, for every sixteen shares above one hundred and twenty, and not exceeding two hundred, one vote, and for every twenty shares above two hundred, one vote; Provided always, that no person, copartnership or body politic, shall be entitled to a greater number than sixty votes; that after the first Monday in February next, no share or shares shall confer a right of suffrage which shall not have been held three calendar months previous to the day of election, 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 resident therein, and none other may vote by proxy. Provided such proxy be a stockholder, and a citizen of the United States.

Sec. 5. That there shall be an election in the said corporation, on the second Monday in March, 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 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 the second Monday in March next, ensuing the time of such election, and no longer; and the said directors, at their first meeting after such election, shall choose one of their number as President, and in case of death, the 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 stockholders; and that to prevent a dividend 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. 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 stockholder, offering to vote by proxy, or 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 of C. D. whom you represent, is to the best of your knowledge and belief, the property of 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.

Sec. 6. That no stockholder, who is not a citizen of the United States, shall, nor shall any director of any other Bank, nor co-partner 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 the said Bank, as drawer or endorser of any bill of exchange, 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 reason, and legal and sufficient cause for refusing payment of the demand, on which such protest may be founded.

Sec. 7. That no less than five directors shall constitute a board, for what shall the transaction of business, of whom the President shall always be constitute one, except in the case of sickness or necessary absence, when his place may be supplied by any other 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.

Sec. 8. 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 be capable of exercising such other powers and authorities, for the well government and ordering of the officers of the said corporation, as shall be prescribed, fixed and determined, by the laws and regulations thereof.

Sec. 9. That the president, cashier and clerks, employed in keeping the books of said Bank, shall be and they are hereby declared to be exempted from the performance of ordinary militia duty, and from serving as jurors.
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Sec. 10. 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 merchandise, factorage, broker-
age, vendue, or the exchange of money, or bills, for profit, and every
such officer, so trading, shall be removed from office, by the direc-
tors, and shall not be re-eligible to any office in said Bank.

Sec. 11. That no director, or other officer of said Bank, shall, di-
rectly or indirectly, receive any compensation for any agency in ne-
egociating any business with the Bank, in procuring discounts, re-
newing notes, or receiving monies for individuals on notes discount-
ed; and every such director or other officer, thus receiving compen-
sations shall be removed from office, and disqualified from thereafter
from holding any office in said Bank.

Sec. 12. 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 one thousand shares,
or upwards, shall require the same; Provided, that no such meeting
of the stockholders shall be competent to transact business, unless
one month's notice thereof be given in at least two public Gazettes,
and unless a majority of the stock in the said Bank be represented.

Sec. 13. 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 transact-
ing of its business, to an amount, not exceeding twenty thousand
dollars; such as shall have been bona fide, mortgaged or assigned to
it, by way of security, or payments for debts, previously contracted
in the course of its dealings, and such as shall have been purchased,
at sales, upon judgments, previously obtained.

Sec. 14. That the said Bank shall not issue any bills or notes for
the payment of money, nor commence discounting, until one half
of its capital stock, in specie, shall be deposited in its vaults, nor until a
bonus of seven thousand five hundred dollars shall 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.

Sec. 15. That the stock of said Bank shall be assignable and trans-
ferable, according to such regulations, and upon such terms, as may
be prescribed and fixed by the said corporation.

Sec. 16. 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 the seal of the said corporation, shall be
binding and obligatory upon the said corporation, in like manner, and
with the like force and effects, as upon any private person or persons,
it issiuated 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 that shall be payable to any person or persons, his, her or their orders, shall be assigned 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 negotiable and assignable by delivery only.

Sec. 17. 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 such excess was contracted or created, or such as may have dissented from the resolution, or act, whereby the same was so 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.

Sec. 18. That said corporation shall not be permitted to purchase any public debt whatsoever, except stock of the State or of the United States, nor shall directly or indirectly deal or trade in any thing except notes, bills of exchange, gold or silver bullions, or in the sale 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 centum discount for sixty days, for, or upon its loans or discounts, that if the said corporation or any person or persons, for, or to the use of the 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 treble the value of the goods, wares and merchandise, notes, bills or loans, thus illegally purchased, discounted for, or loaned, one half thereof, to the use of the informer, and the other half thereof to the use of the State.

Sec. 19. 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, Tax Collectors, Solicitors and other public officers, in all payments for taxes or other monies due the State, so long as the said Bank shall
pay gold and silver, current coin, for their notes, but whenever there
shall be a protest on any of the bills or notes, of the said Bank for
non payment in specie, the Comptroller General shall be authorized,
and he is hereby required, to countermand the receipt of the bills and
notes of said Bank, in payment of taxes or debts due to the State, un-
less good and satisfactory cause shall be shewn him, by the said cor-
poration, for protesting in a court of justice the payment thereof.

Sec. 20. 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 deduct-
ing losses and dividends.

Sec. 21. That, in case of the failure of the said Bank, each stock-
holder, copartnership, or body politic, having a share, or shares there-
in, at the time of such failure, or who shall have been interested there-
in, at any time, within six 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.

Sec. 22. And the said corporation are hereby authorized to in-
crease their capital to a sum not exceeding five hundred thousand
dollars, should a majority of the stockholders, at a general meeting,
at any time, during a continuance of their charter, deem the same ne-
cessary or advisable, by disposing of any number of additional shares,
not exceeding four thousand; and for every hundred dollars of addi-
tional stock so disposed, by said corporation, the Bank shall pay into
the Treasury the sum of two dollars and fifty cents.

Sec. 23. That any real estates, bills, notes, monies, 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 or amount
of said shares.

Sec. 24. And be it further enacted, That if the stock be not taken
by the first Monday in February next, and the day following, the
books shall, in that case, be kept open in Hamburg, until the first day
of November next following, unless the amount be sooner subscribed.

Sec. 25. And be it further enacted, That the President, directors,
and the officers of the said Bank, shall be citizens and residents of
the State of South Carolina.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Sovereignty and Independence of the
United States of America.

H. DEAS, President of the Senate.
PATRICK NOBLE, Speaker of the House of
Representatives.
CHAPTER XXIII.

AN ACT TO AMEND THE LAW IN RELATION TO GRANTING LICENSES TO RETAIL SPIRITUOUS LIQUORS, AND FOR OTHER PURPOSES.

SECTION 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 from and after the first day of March next, it shall not be lawful for any corporate body or the commissioners of the boards in their respective limits, to grant any licenses to retail spirituous liquors, unless the applicant for such license shall first enter into recognizance with two substantial freeholders, who are residents of the District, as sureties, in the penalty of one thousand dollars, and conditioned for the observance of all laws in force in regard to retailing spirituous liquors; and the recognizance so given, shall be liable to be estreated for all fines imposed by the court, for any violation of said laws, of which the party shall be convicted by indictment.

SEC. 2. Every vendor or retailer of spirituous liquors, who shall, vended clandestinely, or behind, or within any screen, booth, or other place of concealment, exchange, give, deliver, sell, or retail any spirituous liquors, shall, upon conviction, be fined in a sum not less than fifty dollars, nor more than two hundred dollars, according to the discretion of the presiding Judge.

SEC. 3. Be it further enacted, That hereafter the sum of fifty dollars shall be paid for a license to retail spirituous liquors, in lieu of the sum heretofore required by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.

CHAPTER XXIV.

AN ACT TO ESTABLISH A COMPANY UNDER THE NAME OF THE CHARLESTON AND PHILADELPHIA STEAM PACKET COMPANY.

Sec. 1885. bers thereof, be, and they are hereby declared a body corporate and pol-

itie, by the name and style of the Charleston and Philadelphia Steam
Packet Company, with a capital of five hundred thousand dollars, to
be divided into shares of one thousand dollars each, for the purpose
of conveying passengers and transporting goods, wares and mer-
chandize by steam packets between Charleston, in the State of South
Carolina, and Philadelphia, in the State of Pennsylvania, or any other
port upon the Atlantic Board, at the election of said Company.

Sec. 2. And be it further enacted, That the said company shall
have such number and succession of officers and members as shall
be ordained and chosen by the rules and bye-laws made, or to be
made for their government and direction, and shall have power and
authority to make all bye-laws, 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 corporate bodies, according to
the laws of this State.

Sec. 3. And be it further enacted, That in all elections and upon
any other subject or question, except where restrained by the bye-
laws, every stockholder shall be entitled to as many votes as he shall
have shares; and stockholders absent from any meeting shall be en-
titled to vote by proxy.

Sec. 4. And be it further enacted, That the persons before named,
shall be and they are hereby constituted directors of the said compa-
ny, with the power of appointing and electing officers until an elec-
tion can conveniently take place under this charter; and they the said
company are hereby authorized and empowered to take up by sub-
scription, at such times and places as they may hereafter deem expe-
dient, either the whole or any part of the said capital, with such pen-
alties for enforcing the subscriptions thereto, as by their bye-laws
they shall prescribe.

Sec. 5th. And be it further enacted, That the said company shall
be able and competent in law and equity to have, hold and enjoy all
such real and personal property as they shall deem proper in any
way to acquire, or which may be connected with or in any manner
conducive to the purposes for which the said corporation is estab-
lished.

Sec. 6. And be it further enacted, That nothing herein contained
shall be construed to bar or prevent the General Assembly of this
State, from incorporating at any time hereafter any other company
for the same or similar purposes.

Sec. 7. And be it further enacted, That this act shall be, and con-
tinue of force for the term of fourteen years, and from thence till the
next ensuing session of the Legislature.

In the Senate House, the nineteenth day of December, in the year
of our Lord thousand eight hundred and thirty-five, and in
CHAPTER XXV.

AN ACT TO INCORPORATE THE AMERICAN AND GERMAN TRADING
AND INSURANCE COMPANY.

SECTION 1. Be it enacted by the Senate and House of Represen-
tatives, now met and sitting in General Assembly, and by the authority
of the same, That Henry Shultz, Charles Lamar and Edward Delens,
in behalf of themselves, and such others as now, or hereafter may be
associated with them, for the purpose of establishing a direct trade
between the town of Hamburg, South Carolina, and the kingdoms of
Prussia, Sweden, Denmark, Holland and the Free Republic of Ham-
burg, Germany, by the way of Charleston, South Carolina, are here-
by constituted a body corporate and politic, by the name and title of
"The American and German Trading and Insurance Company,"
with a capital of five hundred thousand dollars, to be divided into
shares of one thousand dollars each.

SEC. 2. And be it further enacted, That the persons before named
shall be, and they are hereby considered directors of said company,
with the power of appointing and electing officers, until an election
can conveniently take place under this charter; and they, the said
company, are hereby authorized and empowered to take up, by sub-
scription, at such times and places as they may hereafter deem expe-
dient, either the whole or any part of said capital, with such penal-
ties for enforcing the payment of the subscriptions thereto, as by
their by-laws a majority of them shall prescribe.

SEC. 3. And be it further enacted, That the said company shall
have such number and succession of officers and members, as shall
be ordained and chosen by the rules and bye-laws made, or to be made,
for their government and direction; and shall have power and au-
thority to make all bye-laws, rules and regulations, which a majority
of them 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, to plead and be impleaded, in any court of law or equity
in this State, and shall have and enjoy all and every right and privi-
lege incidental and belonging to corporate bodies, according to the
laws of this State.

SEC. 4. And be it further enacted, That in all elections, and upon
any other subject or question, (except when restrained by the bye-
laws,) every stockholder shall be entitled to as many votes as he shall
have shares, and such stockholder as may be absent from any meet-
ing, shall be entitled to vote by proxy.

SEC. 5. And be it further enacted, That the said company shall
be able and competent in law and equity to have, hold and enjoy, and
shall have power to change and convey such real estate as they shall
deem proper in any way to acquire, as may be necessary for the
transaction of their business, which real estate shall not exceed in
value twenty-five thousand dollars.

Sec. 6. And be it further enacted, That the said company shall
have power and authority to insure and take risks upon all goods,
wares and merchandize that shall be shipped on board such vessels
or ships as may be owned or chartered by them.

Sec. 7. And be it further enacted, That this act shall be and con-
tinue of force for the term of fourteen years, and from thence to the
adjournment of the next succeeding Legislature: and that nothing
herein contained shall be construed to bar or prevent the General As-
sembly of this State from incorporating, at any time hereafter, any
other company or companies, for the same or similar purposes.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Sovereignty and Independence of the
United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of

Representatives.

CHAPTER XXVI.

An ACT TO INCORPORATE THE CHARLESTON AND LIVERPOOL LINE
Packet Company.

SECTION 1. Be it enacted by the Senate and House of Represen-
tatives now met and sitting in General Assembly, and by authority of
the same, That James Hamilton, William Seabrook, Sen., Wade
Hampton, William Aiken, R. W. Roper, George H. Paddock, Alex-
ander Black, John J. Bulow, John L Wilson, and Jacob Chamberlain,
in behalf of themselves, and such others as now are, or hereafter
may be associated with them, for the purpose of establishing a line
of Packet Ships, between the ports of Charleston and Liverpool, are
hereby constituted a body politic and corporate, by the name and
title of “The Charleston and Liverpool Line Packet Company,” to
be located in the City of Charleston, and to continue fourteen years.

Sec. 2. The books of subscription to the capital stock of this com-
pany, shall be opened under the inspection of the commissioners for
receiving such subscription, in the city of Charleston, on the fifteenth
day of February, eighteen hundred and thirty-six, and may be con-
tinued open from day to day, until the capital stock shall be sub-
scribed for one year. And the said commissioners shall close the
books of subscription to the capital stock so soon as the whole
amount shall be subscribed: Ten days previous notice shall be given
of the time and place of opening the books in one or more of the
daily newspapers printed in the City of Charleston; at which time
twenty dollars on each share subscribed shall be paid to the commis-
sioners, at the time of making the subscription, in specie, or current bank notes of the State, which amount subscribed shall be forfeited to this corporation, provided the second instalment is not paid in on the day, or days appointed for the same; and the commissioners to open the books of subscription to the capital stock of this company shall be Jonathan Lucas, John Frazer, and George H. Paddock, all of the City of Charleston.

Sec. 3. The business and transactions of this company shall be managed by a board consisting of a President and four Directors, who shall be stockholders, and exercise all the powers of this charter, and who shall hold their office for one year, and until others shall be elected, and no longer, which election shall be on the first day of March, eighteen hundred and thirty-six, for president and directors; and said elections shall be annual in every succeeding year of the incorporation of this company, 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 two of the newspapers printed in the City of Charleston, at least ten days previous to the election, and such elections shall be made by ballot by a plurality of stockholders present, agreeable to the following scale: one to two shares, constituting one vote; three or four shares, two votes; five or six shares, three votes; seven or eight shares, four votes; nine to eleven shares, five votes; twelve to fifteen shares, six votes; sixteen to twenty shares, seven votes; twenty-one to twenty-six shares, eight votes; twenty-seven to thirty-three shares, nine votes; thirty-four to forty shares, ten votes; and for every ten shares, over forty shares, one vote more. And no copartnership trading under any firm, shall be allowed to give more votes than if their stock was subscribed by an individual. Any person who is a stockholder, shall be allowed to vote by proxy, duly authorized.

Sec. 4. In case it should at any time happen, that an election of directors should not be made on the day upon which, pursuant to this act, it should be made, the said corporation shall not, for that cause, be dissolved; but it shall and may be lawful, to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws and ordinances of the said corporation.

Sec. 5. That all persons who may import goods in the ships belonging to this company, shall, during five years, be exempted from all State taxation on such goods as may be actually so imported, which exemption shall likewise be extended to all goods, wares and merchandise imported in any ship or ships, owned by a citizen or resident of South Carolina, and fitted out within the limits of the same. The time to be computed from the arrival of the first ship of the Company on her return voyage in Charleston, or any ship or ships as above provided for—and it shall be lawful for the tax collectors throughout the State, to require every importer making a return of stock in trade, to make the following oath, in addition to the oath now
required by law. I, A. B. do solemnly swear (or affirm) that my return of stock in trade is a full, fair, and just return of the amount of all monies invested by me in goods, wares and merchandise of every description; except such as I have actually imported in the ships belonging to the Charleston and Liverpool Line Company—or in a ship or ships owned by a citizen or resident of South Carolina, and fitted out from a port within the limits of the same. 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 of taxation shall be claimed on any particular species of goods so imported.

Sec. 6. The capital stock of this company, shall be one hundred and fifty thousand dollars, divided into shares of five hundred dollars each, with the privilege of increasing the same to five hundred thousand dollars.

Sec. 7. It shall and may be lawful for said corporation to purchase and hold, such land so much real estate as shall be necessary for the transaction of their business, and such real estate shall not exceed in value fifty thousand dollars, which real estate shall be exempted from taxation for the term of five years from the time of the arrival of the first ship of the company in Charleston, on her return voyage from Liverpool, and this corporation shall have power to change or convey the same.

Sec. 8. Each subscriber shall pay the assessments made on the shares for which he subscribes, provided the assessments shall not together exceed the sum of five hundred dollars on each share, and the profits or losses arising from the concern, shall be shared by the stockholders in the just proportion which their shares bear to the whole number.

Sec. 9. Not less than three directors shall constitute a board for the transaction of business, of whom the President shall always be one; necessary absence only excepted, 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 commission and compensation shall be given for their services, as the President and Directors shall deem proper, and of whom such security shall be required as they shall think necessary for the safety of the company.

Sec. 10. 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 price of freights and passages, to direct the days of the packets 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, if they deem it expedient, 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 merchandize as shall be thought advisable, to support
such agents in Liverpool or Charleston, as they shall think proper,
and to displace any agent or officer at pleasure, to establish such re-
gulations and by-laws as shall be deemed expedient, not contrav-
ing any section of this charter, and generally to transact all such
matters and things touching the interests of the company, in such
manner as they shall deem most advisable.

Sec. 11. No transfer of stock shall be valid, unless the same be re-
gularly made in the books of the company kept for the purpose.

Sec. 12. The President and directors shall have power to levy
from time to time, such assessments as shall be deemed necessary,
agreeable to the eighth section, and it shall be their duty to make semi-
annual dividends of the profits arising from the concern.

Sec. 13. It shall be the duty of the President and directors, or their
agents, to effect insurance on the different ships, and also on such
shipments as shall be made on board them for account of the company.

Sec. 14. The President and directors are empowered to call spe-
cial meetings, whenever they shall deem it necessary, and it shall be
their duty to call them at the request of ten or more stockholders
whose stock together shall not be less than forty shares, and the Pre-
sident and directors shall give at least three days notice of all meet-
ings in such manner as they may deem proper.

Sec. 15. In order to give confidence to the public, and that all
persons dealing with this company, may know with whom they are
so dealing; it shall be the duty of the secretary or other persons hav-
ing charge of the books of the company, upon reasonable application,
to communicate to any person, or persons applying therefor, the names
of all the stockholders composing the company, at the time of such ap-
lication, or any prior time, to which such inquiry may be directed.

Sec. 16. Be it further enacted, That all those who have associa-
ted for the purposes aforesaid, shall not be curtailed in their subscrip-
tion, and if the said persons shall on the day of opening the Books of
subscription to the capital stock, take the residue of the same, they
shall have the preference, and in case the associators shall subscribe
more than the remaining stock, they shall take rateably according to
their present subscription.

Sec. 17. And be it further enacted, That Jonathan Lucas, John
Fraser, and George H. Paddock, Commissioners appointed to open
the books of subscription to the capital stock, are hereby appointed
to manage the election for President and directors at the first election.

Sec. 18. The Legislature may at any time alter or modify this act
by the consent of the corporation.

In the Senate House, the nineteenth day of December, in the year
of our Lord one thousand eight hundred and thirty-five, and in
the sixtieth year of the Sovereignty and Independence of the
United States of America.

H. DEAS, President of the Senate.
PATRICK NOBLE, Speaker of the House of
Representatives.
CHAPTER XXVII.

AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES, TO AMEND THE ChARTERS OF CERTAIN OTHER VILLAGES, AND TO INCORPORATE CERTAIN SOCIETIES.

Section 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 persons, citizens of the United States, who now own, or may hereafter own, dwelling houses, in the town of Aiken, in Barnwell district, and those who may occupy such dwelling houses, under lease, may be deemed, and are hereby declared, a body politic or corporate, and that the said town shall be called and known by the name of Aiken, and its limits shall be held and deemed to extend for one mile on every side of the Bridge, at the rail road depository situated therein.

Sec. 2. Be it further enacted, 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 Barnwell District, and shall continue in office until the second Monday in September next, on which day, as well as the second Monday in September of 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 said town, who have attained the age of twenty-one years, and have resided therein three months previous to the election, shall be entitled to vote for the said Intendant and Wardens; the election to be held from nine o'clock in the morning until three o'clock in the afternoon; and when the polls shall be closed, the managers shall proclaim the election and give notice thereof, in writing, to the persons elected; and that the Intendant and Wardens for the time being, shall always appoint three managers to hold the ensuing elections: that 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 Aiken, 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 of my appointment—so help me God."

Sec. 3. And be it further enacted, That in case a vacancy shall occur in the office of Intendant, or any of the Wardens, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the Intendant and Wardens as the case may be, ten days previous notice being given; and in case 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.

Sec. 4. And be it further enacted, That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, sever-
ally, and respectively, be vested with all the powers of Justices of the
Quorum of this State, within the limits of the said town: that the
Intendant shall, and may, as often as occasion may require, summon
the Wardens to meet him in council, a majority of whom shall con-
stitute a quorum for the transaction of business, and shall be known
by the name of the town council of Aiken; and they, and their suc-
cessors in office, may have a common seal, and shall have power
and authority to appoint, from time to time, such and so many pro-
per persons to act as constables within their jurisdiction, according
to law, as they shall deem expedient and proper, which constables
shall have all the powers, privileges and emoluments, and be subject
to all the duties, penalties, and regulations, provided by the laws of
the State for the office of constable; and the Intendant and War-
dens, in council, shall have power, under their corporate seal, to or-
dain and establish, all such rules, bye-laws, and ordinances, respect-
ing the streets, ways, markets, and police of said town, as shall ap-
pear to them proper for the security, welfare and convenience of said
town, and for preserving the health, peace, order, and good govern-
ment within the same; and the said council may affix fines for of-
fences against such bye-laws and ordinances, and appropriate the
same to the use of the corporation; but no fine shall exceed fifty
dollars, and when fines exceed ten dollars, they may be recovered in
the Court of Sessions, for Barnwell District, and when they are of
the amount of ten dollars or under, they may be recovered before the
said Intendant and Wardens, in council: Provided, that nothing here-
in contained shall empower the said council to ordain or establish any
bye-laws or ordinances, inconsistent with, or repugnant to the laws of
the land; and all such bye-laws and ordinances, shall, at all times, be
subject to the revival or repeal of the Legislature.

SEC. 5. Be it further enacted, That the said Intendant and War-
dens, shall have power to abate and remove nuisances within the
said limits, and to classify and arrange the inhabitants liable to do
patrol duty, and to require them to perform such duty as often as oc-
casion may require, and to enforce the performance thereof un-
der the same penalties as are now, or may be hereafter established
by law, and that the said Intendant and Wardens, or any of them,
upon view thereof, or upon complaint lodged on oath, are hereby
required and authorized to issue warrants against all offenders, and
cause them to be brought before them or him, and upon due exam-
ination, shall either release, admit to bail, if the offence be bailable,
or commit to jail such offenders, as the case may require; and the
Sheriff of Barnwell District is hereby required to receive and keep
the person so committed, until discharged by due course of law;
and that the said Intendant and Wardens shall collectively, and sev-
eral, have cognizance within the said corporate limits, in all crim-
inal cases, as Justices of the Peace and Quorum have according to
law.

SEC. 6. Be it further enacted, That it shall be the duty of the
Dec. 1835.

Duty of Intendant and Wardens.

May compound for road work.

Sec. 7. And be it further enacted, That the said Intendant and Wardens shall have power to compound with persons liable to work on the said roads, streets and alleys, 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 use of said corporation, and no person residing within said limits, shall be liable to work on any road without the said limits, or be taxed or assessed for the same.

Sec. 8. Be it further enacted, That the act passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, entitled "An Act to Incorporate the village of Spartanburgh," be and the same is hereby revived, and shall remain of force for ten years from the passage of this act, and until the next session of the Legislature thereafter; and that all fines and monies arising from licenses for taverns, for retailing spirituous liquors, and licenses for billiard tables, within the corporate limits of said village, be and they are hereby directed to be paid to the Intendant and Wardens thereof, to be by them appropriated to the uses of the corporation.

Sec. 9. Be it further enacted, That the Intendant and Wardens of all incorporated towns and villages shall have power to collect the taxes from all persons representing, publicly, within their respective 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 the said corporations, respectively.

Sec. 10. Be it further enacted, That the sixth section of an act entitled "An Act to incorporate the village of Barnwell," and ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, be altered and amended so as to read as follows: That it shall be the duty of the said Intendant and Wardens to keep all public highways, streets and alleys within the said limits, open and in good repair; and for that purpose, they are invested with all the powers granted by law to commissioners of roads; and that the hands liable to perform said duty, are hereby exempted from working on the roads beyond the said limits, and the said Intendant and Wardens, for any neglect of duty, shall be liable to the penalties imposed by law on the commissioners of roads for the like neglect.

Sec. 11. Be it further enacted, That all the fines inflicted by the Town Council of Barnwell, shall be collected by a fieri facias, or if that be returned nulla bona, by a capias ad satisfaciendum; which if not paid may be discharged by schedule and assignment, according
to the provisions of the prison bounds act, after five days notice to
the Intendant.

SEC. 12. Be it further enacted, That Duff Green and his asso-
ciates, and their successors, shall be, and they are hereby incorpora-
ted and made a body politic, by the name and style of "The Ameri-
can Literary Company," and shall have power to raise by subscrip-
tion, in shares of fifty dollars each, a capital of two hundred and fifty
thousand dollars, with the privilege of increasing the same, to five
hundred thousand dollars; and as soon as five hundred shares shall
be subscribed, the individuals above named, or any of them, may, by
public notice of ninety days, given in one or more of the public news-
papers in Columbia and Charleston, call a meeting of the stockhold-
ers of the said company for an election of five directors, each of whom
shall be a stockholder, to be voted for by the said stockholders, ac-
cording to their respective shares, in person or by proxy, the said
individuals above named, or any three of them, to be inspectors and
judges of such first election; and the said directors when elected,
shall choose out of their number a President; and the directors of the
said company, shall annually thereafter, by public notice as aforesaid,
call meetings of the stockholders for electing directors of said com-
pany, and shall appoint three of the stockholders, not being directors,
as inspectors of such election; said directors shall continue in office
until such election be completed, and shall at all times have power to
make by-laws for the government of said company, not repugnant to
the constitution and laws of this State or the United States; and shall
also have power to call in said stock from time to time, in such instal-
ments, as they shall think necessary, not exceeding ten dollars on each
share, by giving public notice as aforesaid, and to declare forfeited to
the said company, the stock, with all previous payments made there-
on, of all such stockholders as shall neglect or refuse to pay the in-
stalments upon their respective shares, as shall be required to be paid
as above; Provided, previous notice of ninety days shall have been
given to each delinquent stockholder.

SEC. 13. And be it enacted, That elections for directors of said Election of di-
company shall be by ballot: and if the directors for the time being of rectors.
said company, shall at any time neglect or refuse to give notice, as in
the twelfth section of this act is directed, for the election of directors,
that then, upon such neglect or refusal, the stockholders, or a majority
of them, may, within the time in such case prescribed by law, give
notice, and call such meeting, and elect directors in like manner, as if
the said directors had given notice, as by this act is required; and if
at any election for directors, two or more persons voted for shall re-
ceive an equal number of votes, then the directors for the time be-
ing, shall determine by ballot which of the said persons, so having an
equal number of votes, shall be director or directors, as shall be re-
quired to complete such election; and upon the death or resignation
of any of the said directors, the remaining directors shall choose,
from among the stockholders, some person or persons to fill such va-
Duo. 1885.

Sec. 14. And be it enacted, That the said directors, before they enter on the duties of their office, shall severally take and subscribe an oath or affirmation, faithfully and honestly to promote the interests of the said company, and they may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary or useful, with such compensation as they may think adequate; and require from such officers or agents, as well an oath or affirmation of fidelity, as such bonds and security for their good conduct, as may to them appear reasonable and proper.

May hold property.

Sec. 15. And be it enacted, That the said company may, for the purpose of promoting the manufacture of such articles, which are not prohibited by the laws of this State, buy, rent, take and hold, or otherwise become seized and possessed of, and hold, all such lands, tenements, and water power, and other real and personal estate, as may be necessary and useful for the purposes aforesaid, and the same may improve, and use or sell, let, or otherwise dispose of, as they may deem proper: Provided, that they shall occupy none of the public streets, lanes or alleys of any incorporated town or city, with their said improvements, without previously procuring the consent of the common council thereof, regularly expressed by ordinance; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Of profits.

Sec. 16. And be it enacted, That a dividend of the profits of the said company, except so much thereof, as may be set apart for a surplus fund, shall be semi-annually made of the said directors, among the stockholders, and the books of the said company shall at all times be open for the inspection of the stock holders; Provided that no dividends be made except from the actual profits of the said company.

Term of charter.

Sec. 17. And be it enacted, That the stock of the said company shall be personal property, and transferable upon the books of the said company, and that no part of the proceeds of the company shall be used for banking purposes.

Societies incorporated.

Sec. 18. Be it further enacted, That this charter shall continue of force until the first day of March, one thousand eight hundred and sixty four, and no longer; and that during that time, upon any departure from, or violation of the provisions of this act, the Legislature may repeal, alter, or modify the same, as in their opinion the public good may require.

Sec. 19. Be it further enacted, That all persons who are now, or may hereafter become, members or stockholders, in the following societies and associations, to wit: "The South Carolina Society for the Advancement of Learning," "The South Carolina Jockey Club,"
The Columbia Jockey Club, "The Pendleton Jockey Club," "The Lime Stone Springs Company," "The Male and Female Academies in the village of Anderson," "The Ladies Ursuline Community of the City of Charleston," "The Sisters of our Lady of Mercy," of the same place, "The Deacon and Elders of St. Paul's Church," Newberry District, the members of "Mount Olivet Church," in Fairfield District, the members of "Purity Church," in the District of Chester, the members of "The Presbyterian Church of John's Island and Wadmalaw," the members of "The First Creek Baptist Church," in Anderson District, "The Board of Trustees for the aid of poor, disabled and superannuated ministers, or their families, within the bounds of the Presbytery of Harmony," the members of "The Associate Reformed Synod of South Carolina," "The Members of the Lebanon Church" of the District of Abbeville, be bodies politic and corporate, by the name and style to each respectively assigned.

Sec. 20. Be it further enacted, That the officers and members of Northern Volunteers, be, and they are hereby declared a body politic and corporate, with all the rights and privileges of similar military corps, the same to continue during the pleasure of the State.

Sec. 21. The societies and associations aforesaid, by their respective names, shall have succession of offices and members, according to their respective bye-laws, and shall have power, respectively, to make bye-laws not repugnant to the laws of the land; to have, 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 every right incident to incorporation.

Sec. 22. They are also empowered to retain, possess and enjoy all such property as they may now respectively be possessed of, or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them; and to sell, alien, or in any way transfer the same, or any part thereof; Provided the amount of property so held, or stock invested, shall in no case exceed ten thousand dollars; except the "South Carolina Society for the Advancement of Learning," which shall be entitled to hold property to the amount of sixty thousand dollars.

Sec. 23. Be it further enacted, That an act entitled "An Act to incorporate the village of Greenville," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, be, and the same is hereby renewed, and continued in force for the term of four years from the passing of this act, and until the end of the next session of the Legislature thereafter; Provided, that the monies paid for licenses within said village, shall be paid hereafter to the commissioners of the roads for Greenville District.

Sec. 24. And be it further enacted by the authority aforesaid, That the village at Darlington Court House, in Darlington District, be, and the same is hereby incorporated, by the name of Darlington,
with the following limits, viz: on the North, North East, and East sides by Swift Creek, on the West, by the branch nearest to the Court House, which empties on the said West side into Swift Creek, and on the South, South East and South West sides, by a line beginning at the last mentioned branch, one mile from the said Court House, and running in such course as to preserve as nearly as may be the said distance of the mile from the said Court House, until it strikes the said Swift Creek, or the creek into which that falls, at a point one mile from said Court House, on the East side thereof. And be it further enacted, That the said village shall be governed and regulated, and have the same powers and privileges as are provided above in relation to the village of Aiken, except that the Intendant and Wardens shall be elected on the first day of January next, by the residents within the said limits, now entitled to vote for members of Legislature, and on the first day of each successive January.

Sect. 25. Be it enacted, That James E. Henry, Leonard Hill, James Nesbit, junior, Simpson Bobo, and others, who now are, or hereafter may be members of the Spartanburg Cotton Manufacturing Company, be and the same are hereby declared a body corporate and politic, by the name and style of "The Spartanburg Cotton Manufacturing Company," with a capital stock of one hundred thousand dollars; and that the said company be and they are hereby invested with the same corporate rights, powers and privileges as are granted to the Saluda Manufacturing Company, by an act entitled "An Act to Incorporate the Saluda Manufacturing Company," passed on the seventeenth day of December, in the year of your Lord one thousand eight hundred and thirty-four.

Sect. 26. Be it enacted, That a company shall be incorporated with a capital of two hundred thousand dollars, to navigate by steam the waters between Columbia and Charleston, under the style of the Columbia Steam Boat Company. The said Company to be composed of the following individuals, and their associates, viz: John McLean, John S. Lott, James Boatwright, James D. Treadwell, B. T. Hopkins, R. Caldwell, John Caldwell, Mathew Crawford, J. R. McMillan, P. Solomon, L. Powell, and L. Levy, jr. to have and enjoy all the powers, privileges and immunities declared and set forth in the 21st section of this act, and all such other rights as may in any wise belong or be incident to incorporations; Provided that nothing herein contained, shall be construed so as to confer on said company exclusive right to navigate by steam, the waters between Columbia and Charleston, or to impair the rights of individuals, or other bodies corporate, to navigate said waters. And that a company to consist of Thomas Salmond, Christopher Mathews, Charles J. Shannon, and their associates, with like powers and privileges, and with a capital stock of two hundred thousand dollars be and the same is hereby incorporated to navigate by steam the waters between Camden and Charleston, under the style of the "Camden and Charleston Steam Boat Company," whose charter shall continue in force for fourteen years.
Sec. 27. Be it enacted, That the President, Vice President, and members of the Greenwood Association of Abbeville District, for the Promotion of Education, be and are hereby constituted a body corporate and politic, upon the same terms with the societies and associations mentioned in the twenty-first section of this act, with the right to hold to the uses and for the ends of their incorporation, one third of all lands which may hereafter escheat to the State in said district; Provided, that the value of such lands shall not exceed ten thousand dollars; and said company shall be known by the corporate name of the "Greenwood Association of Abbeville District, for the Promotion of Education."

Sec. 28. Be it further enacted, That John Johnston, senior, John Aveleigh Germany, senior, David Boozer, David Griffith, David Clary, and Robert Maffett, Esquire, be incorporated by the style of "The Trustees of Aveleigh Church," for the purposes set forth in a deed conveying a lot of land for the use of said Church, from Robert Boyce, to Chancellor Johnston, dated the seventh of September, 1835, and recorded by the register of mesne conveyances for Newberry, the first of October 1835; that a majority of said Trustees have power to act, and to supply vacancies in their body, occasioned by death, resignation, or removal from the District of Newberry; and that the said Corporation, be authorized to receive and hold real and personal property of the net value, at the time of conveying the same, of ten thousand dollars.

Sec. 29. Be it further enacted. That so much of an act entitled St. Peter's Church: "An Act to incorporate certain societies, passed on the nineteenth day of December, eighteen hundred and thirty-three, as restricts the amount of property held or to be acquired by "The St. Peter's Church of Charleston," to the amount of ten thousand dollars, be and the same is hereby repealed; and said Church shall have power to acquire and hold property to the amount of sixty thousand dollars.

Sec. 30. And be it further enacted, That G. B. Lamar, Amory Sibley, David L. Adams, Isaac R. St. John, Joseph H. Burroughs, and such other persons as now are, or may be hereafter associated with them, for the conveyance of passengers and the transportation of produce, goods, wares and merchandize, in iron and other steam and tow boats on the Savannah river, and along the coast of this State, be a body corporate and politic, with a capital stock of one hundred thousand dollars, and with the privilege of increasing the same to five hundred thousand dollars, under the name of the Iron Steam Boat Company; and the said company, by its proper name, shall have succession of officers and members, to be chosen according to the bye-laws thereof; and shall have power to make and alter bye-laws for its government, 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, to plead and be impleaded, in any court of this State; to establish agencies at all such places as may be necessary for the
management of their business; to take, have and hold any estate, real or personal, which may be necessary for the convenient transaction of their business, or for the collection and satisfaction of their debts and demands, and for no other purpose; and the said estate to alien and dispose of at pleasure; and the said company shall have every other right incident to a corporation, and be subject, in the transportation of produce, goods, wares and merchandise, to all the duties and liabilities of common carriers; Provided, that nothing herein contained, shall be so construed as to confer any exclusive privilege.

Sec. 31. Be it further enacted, That Wilson Nesbit, and his associates and their successors, be incorporated under the name and style of Nesbit Iron Manufacturing Company, with a capital of one hundred thousand dollars, with the like powers and privileges as are now possessed and enjoyed by the South Carolina Manufacturing Company, of Spartanburgh District.

Sec. 32. And be it further enacted, That the Intendant and Wardens of the Town Council of Edgefield, shall hereafter have the exclusive power of granting licenses for the retail of spirituous liquors, within the limits of the said corporation; and the money collected by them shall be paid over to the Commissioners of roads, bridges and ferries.

Sec. 33. And be it further enacted, That the funds remaining in the hands of the Commissioners of public buildings for Anderson District, which arose from the sale of lots in the Village of Anderson be paid over to the Trustees of the Male and Female Academies of Anderson Village. And that all the right, title and interest of the State of South Carolina, in the real estate, once held by the Trustees of the Varennes Academy, in the District of Anderson, be, and the same is hereby vested in the board of the Trustees of the Male and Female Academies, of Anderson Village, in further aid of said Academies.

Sec. 34. Be it further enacted by the authority aforesaid, That this act shall be and continue of force for the term of fourteen years, and from thence until the adjournment of the next ensuing session of the Legislature.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, President of the Senate.

PATRICK NOBLE, Speaker of the House of Representatives.