

Act Passed at the Extra Session of the Legislature of South Carolina.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH DISTRICT COURTS."

SEC. 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, as follows: That "An Act to establish District Courts," passed on the twentieth day of December, Anno Domini one thousand eight hundred and sixty-five, be, and the same is hereby repealed, except as to its first and second sections, to wit: In each judicial District of the State, except Charleston, there shall be established a District Court, which shall be organized by the Judge thereof as soon as possible after his election, except in the Judicial District of Charleston, there shall be established two District Courts, one for the election District of Charleston, and one for the election District of Berkeley. The Judge of each District Court shall receive from the Treasurer of the State a salary of five hundred dollars a year, payable quarterly, and he shall be entitled, for a further compensation, to receive annually, from the District Court fund, as hereafter prescribed, an additional sum, to be paid quarterly on his own draft as follows: For Abbeville District, seven hundred dollars; Barnwell District, seven hundred dollars; Colleton District, one thousand dollars; Chester District, five hundred dollars; Darlington District, five hundred dollars; Edgefield District, eight hundred dollars; Fairfield District, five hundred dollars; Georgetown District, one thousand dollars; Laurens District, five hundred dollars; Newberry District, five hundred dollars; Orangeburg District, five hundred dollars; Richland District, one thousand dollars; Sumter District, seven hundred dollars; Union District, five hundred dollars; Williamsburg District, five hundred dollars; Berkeley Election District, one thousand dollars; Charleston Election District, one thousand dollars; Beaufort District, one thousand dollars; Kershaw District, five hundred dollars; and for the District Judge of each of the other Judicial Districts of this State, five hundred dollars: *Provided, however,* That in case the District Court Fund in any District shall prove insufficient for the purpose for such additional compensation as herein provided, no claim for the whole or any part of such additional compensation, upon the Treasury of the State, shall arise by reason of such deficiency; *And Provided, also,* That the time when the salaries herein provided for shall commence shall be when the Court is organized and the Judge empowered to execute this Act.

SEC. 2. That the District Courts heretofore established by law be organized by the Judges thereof immediately after the passage of this Act, and that each of the said Judges, respectively, shall receive the salary heretofore provided by law.

SEC. 3. The Clerk and Sheriff of the several Judicial Districts of the State shall act as the Clerk and Sheriff of the District Courts or Courts within their respective Districts; and may perform their duties in person or by deputy. The Judge, Clerk, and Sheriff of a District Court shall each, before entering on the duties of his office, take the official oath prescribed by the Constitution of the State, and also the oath or oaths required specially to be taken by the incumbent of such offices in the Superior Courts.

SEC. 4. That the District Court shall have exclusive jurisdiction, subject to the right of appeal to the Appeal Court, in all cases of vagrancy, and in all cases of bastardy, arising within the limits of the Election District in which they are established.

SEC. 5. All prosecutions in the District Court shall be conducted by the Attorney General, or by the Solicitor of the Circuit to which the District Court belongs, or by a deputy appointed by such Attorney General or Solicitor, or in the absence of these, by an Attorney appointed by the District Judge.

SEC. 6. The District Court shall have concurrent jurisdiction, subject to appeal as aforesaid, with the Court of Common Pleas in all civil causes in which the title to land is not involved, and in which the debt sued for or the amount of damages claimed, does not exceed one hundred dollars, and the sum which limits the proceedings by summary process in all Courts of Law, is enlarged to one hundred dollars, exclusive of costs, and exclusive jurisdiction in all matters of contract between employer and employee, master and apprentice, where the amount exceeds twenty dollars.

SEC. 7. The Judge of the District Court shall be invested with power to examine and supervise all prosecutions, commitments and warrants of arrest commenced before or issued by any Magistrate within his District for any misdemeanor. And it shall be his duty, upon application made to him, to examine into the merits of the same at any time before trial, and to direct the discontinuance thereof on such terms and conditions as may seem to him the most conducive to the ends of justice, and for this purpose he is authorized to summon before him the parties and such witnesses as may be necessary.

SEC. 8. The Judge of the District Court shall, in all respects, have the power of a Magistrate for his District. He shall exercise supervision over the Clerk and Sheriff of his Court in all matters appertaining to the jurisdiction and business of said Court, also over the Coroner, all Magistrates, Constables and Boards of Com-

missioners of his District, and from him to any of them may proceed orders, rules, attachments or writs of mandamus, prohibition, certiorari, quo warranto or scire facias.

SEC. 9. The Judge of the District Court shall have the power and be subjected to the duties, and be liable to the penalties in respect to habeas corpus conferred and imposed upon two Magistrates under the ninth section of the "Act concerning the office and duties of Magistrates," passed the twenty-first day of December, Anno Domini one thousand eight hundred and thirty-nine; he may admit to bail in all cases bailable, and in all cases triable in his Court, and may also exercise jurisdiction under habeas corpus at common law in all cases within his District, except that he shall not have the power to discharge or let to bail any person charged with a felony not clergerable, after a true bill has been found.

SEC. 10. The Judge of the District Court shall have the power given to two Magistrates by the "Act for the promotion of industry, and for the suppression of vagrants and other idle and disorderly persons," ratified on the twenty-eighth day of March, Anno Domini one thousand seven hundred and eighty-seven, and shall likewise have the power which two Magistrates have under the twenty-third section of "An Act concerning the office and duties of Magistrates," ratified on the twenty-first day of December, Anno Domini one thousand eight hundred and thirty-nine, in respect to tenants holding over, and in case of a tenant's holding over, or of an issue of fact under the Prison Bounds Act, or in any other case, when by law there is provision made for trial by a Jury, and one or more Magistrates; the District Judge may organize a Jury as Magistrates are now directed to do, and have trial before himself, or may take the case in his own Court and submit it to a Jury organized there as hereinafter provided. In all such cases except those in relation to tenants holding over, of forcible entry and detainer, and of issues under the Prison Bounds Act, there shall exist a right of appeal to the Circuit Judge at Chambers or in open Court, who shall have power to reverse the decision, grant a new trial or order an issue to be made up to be tried in the Circuit Court.

SEC. 11. The District Court shall be a Court of Record and shall be always open. It shall have the same power and jurisdiction, subject to the right of appeal to the Appeal Court, as the Supreme Court in law in reference to Constables, Jurors, and punishment for contempt. It shall have jurisdiction in all cases of tenants holding over, cases of forcible entry and detainer, cases under the Insolvent Debtors' Act, where the arrest and detention are under process of the District Court, all cases under Prison Bound Act, and all matters of District Police; and the Judge of the District Court shall have discretionary power to hear and determine all cases, civil and criminal, within the jurisdiction of the same without submitting them to a Jury; *Provided,* neither party shall demand a Jury trial: *Provided* an appeal may be had to the Court of Appeals in all cases tried before the said Court in which appeals are now allowed by law from the Circuit Courts, and in no other cases whatever. It shall sit in such place as may be furnished by the Commissioners of Public Buildings, who are hereby required to provide a suitable place, which shall be held at the Court House of the District, except in Berkeley, in which the place shall be fixed by the District Judge, and in the District of Beaufort, where the Court shall be held alternately at the Court House in the town of Beaufort and Lawtonville.

SEC. 12. The District Court shall hold quarterly sessions, and the Judges of the Court of Appeals shall, from time to time, fix the days of the quarterly session of the District Court. They shall, also, from time to time, make rules and prescribe short and simple forms for the transaction of business and the conduct of causes in the District Court.

SEC. 13. The Judges of the District Court may practice in the Supreme Courts, except in cases which have been argued before him, or heard in his Court; but he shall not have a partner in the practice of Law and Equity in the District of which he is a Judge.

SEC. 14. The return day of the quarterly session of the District Court shall be ten days before the first day of the sitting thereof.

SEC. 15. All fees of the Clerk and Sheriff shall be paid in cash by the party requiring the services, and according to the judgment of the Court, may or may not be recovered from the opposite party.

SEC. 16. The Clerk shall keep separate for the District Court the Docket, Rules, Book and Journals now prescribed by law for the Superior Courts, to be furnished him by the Commissioners of Public Buildings, and shall file all papers in the mode prescribed in the 7th section, A. A. 1839, 11th Statutes at Large, page 70; but he shall enter all judgments and decrees in the book of Abstracts of Judgments and Decrees, along and in chronological order with the judgments and decrees of the Superior Courts. The Sheriff shall enter all papers and sales in the books now kept by law in his office.

SEC. 17. In case of a vacancy in the office of District Judge by death, resignation or otherwise, the Governor shall immediately appoint a successor, who shall hold office until a Judge shall be appointed by the Legislature, and shall have qualified. During his continuance in office he shall hold no other office of profit or trust in this State or the United States.

SEC. 18. The Rules of Practice which prevail in the Superior Courts shall be applied to the District Court, unless otherwise specially provided by the rules to be made by the Court of Appeals, or by Act of the Legislature; but no rule or order of any Court or Judge in this State shall require the printing by a party to a suit of any report, brief or other paper connected with appeals.

SEC. 19. All fines imposed by the District Court shall be paid to the Commissioners of Public Buildings of the Judicial District in which the Court is located, but all fines imposed by the Court of General Sessions shall constitute a part of the District Fund, and in Charleston District be equally divided between the District Courts of Charleston and Berkeley; and the said District Fund, in addition to the said fines, shall consist of a Docket fee of one dollar (\$1) in civil cases, in which the amount demanded is under fifty dollars (\$50) and two (\$2) dollars if the sum demanded exceeds that amount; two dollars (\$2) in every criminal case, and two (\$2) dollars for the Report in every case of appeal; the said Docket fees to be paid by the same parties who are liable for the other fees in the case by the provision of this Act.

SEC. 20. The District Fund shall be held by the Clerk of the Court under the security of his official bond. He shall keep an exact account thereof in a separate book kept for the purpose, in which he shall enter all money received and all money paid on the draft of the District Judge, without which he will make no payment. He shall make semi-annual returns of said account to the District Judge and annual returns to the Comptroller-General on or before the first of October, accompanied by vouchers.

SEC. 21. The fees for Attorneys, Attorney-General, the Solicitors and their Deputies, Sheriffs and Clerks, shall be the same in the District Court as now provided by law in the Superior Court. In a criminal case, if the accused be convicted, he shall be liable to all the costs of prosecution; if collection from the convict cannot be had, then the State shall be liable for one half of said costs. If the accused be acquitted, the Judge before whom the trial shall be had, if he has become satisfied during the trial that the prosecution was without probable cause, may order that the prosecutor shall pay the costs of the prosecution, for which the Clerk shall issue execution. As soon after the organization of the District Court as may be practicable, the Judge thereof shall order a Special Court, at which he shall cause to be drawn a full panel of Grand and Petit Jurors and Pleas Jurors, in the manner prescribed by law for the Superior Courts, and at each term of the District Court thereafter, Jurors shall be drawn in the manner now prescribed by law for the Superior Court. Ratified September 21, 1866.

The State of South Carolina. SPARTANBURG DISTRICT.

KNOW ALL MEN BY THESE PRESENTS, That we, P. J. JENKINS AND JANE E. JENKINS, late Jane E. Kirby, being married or have lived as man and wife, have mutually agreed to separate, and forever sever and to know each other as man and wife, and now each of us in the sight of God, and in the presence of these witnesses, do agree and forever release each other from all obligations as husband and wife, and each of us shall have the liberty to marry any person we please, or enter into any obligations whatsoever, without any dread or fear on either of our parts whatsoever, and each of us shall have full power to contract debts, sue and be sued, and neither of us shall be held or in any way made liable for the contracts or liabilities of the other.

In witness whereof we have set our hands and seals in the presence of these witnesses and in the sight of God, hoping and believing that we will never regret this deed.

P. J. JENKINS, (L. S.)
JANE E. JENKINS, (L. S.)
Signed and sealed in the presence of
JAMES P. FOWLER,
H. THOMAS,
Sept 13 33 41

STOVES, GRATES, RANGES, FIRE BRICKS &c.
ADAMS, DAMON & Co.,
HAVE REOPENED BUSINESS AT THEIR
OLD STAND,
16, Broad Street, Charleston, S. C.
And keep constantly on hand

COOKING STOVES
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Latest Improved Patterns,
Ranges, Grates, Marble Mantles, Tinners' Machines and Tools, Plumbers' Materials, Iron and Brass, deep well Force and Light Pumps, Sheet Lead, Lead and Iron Piping, Railroad Force Pumps. Also the Great Labor-Saving Washing Machine and Wringer.
All Orders attended to with Dispatch.
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HART & CO.,
(Successors to S. N. HART & CO.)
South East Corner King & Market Streets,
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IMPORTERS OF
Foreign & Domestic Hardware, CUTLERY, GUNS, BAR IRON, TIN AND PLATED WARES,
Will receive orders for R. HOE & CO'S Circular Saws, and GEO. PAGE & CO'S Portable Saw Machines.
D. D. COHEN, D. E. HART, P. MORGAN.
March 1 8 1y

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

JOHN C. ZIMMERMAN, } Attachment.
vs.
WILLIAM H. WALKER, }
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the Defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration, on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against him.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 5 10 1q-ly.

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

HARDY, AGNEW & Co., } Attachment.
vs.
M. E. McALPIN, }
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the Defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against her.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 5 10 1q-ly.

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

W. H. BAGWELL, } Attachment.
vs.
WILLIAM H. WALKER, } Trover.
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the Defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration, on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against him.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 5 10 1y1q

STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

Citation for Letters of Administration by Jno. Earle Bomar, Esq., Ordinary, In the Court of Ordinary.

WHEREAS W. J. PENNINGTON has filed his petition in my office praying that Letters of Administration, *de bonis non*, on all and singular the goods and chattels, rights and credits of ALEX. M. THOMPSON, deceased. These are therefore to cite and admonish all and singular the kindred and creditors of the said ALEX. M. THOMPSON, deceased, to be and appear at the Court of Ordinary, for said District, to be held at Spartanburg Court House, on Monday the 8th day of October next, to show cause if any exists, why said Letters should not be granted. Given under my hand this 24th day of September, A. D. 1866.

JNO. EARLE BOMAR, O. S. D.
Sept 27 35 2w

STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

Citation for Letters of Administration by Jno. Earle Bomar, esq., Ordinary, In the Court of Ordinary.

WHEREAS HAMILTON BISHOP has filed his petition in my office praying that Letters of Administration on all and singular the goods and chattels, rights and credits of HARLAN HUGHEY, deceased. These are therefore to cite and admonish all and singular the kindred and creditors of the said deceased, to be and appear at the Court of Ordinary, for said District, to be held at Spartanburg Court House, on Monday, the 8th day of October next, to show cause if any exists, why said Letters should not be granted. Given under my hand this 24th day of September, A. D. 1866.

JNO. EARLE BOMAR, O. S. D.
Sept 27 35 2w

Surveying and Engineering.

The undersigned offers his services to Railroad Companies to survey and locate Railroad routes; to furnish Maps and Reports, Specifications, Estimates and Plans of Superstructure. He will measure and report in detail contract work and heavy Graduation. He will execute Topographical Drawings and lay off the Drainage of Inland swamps and bottom lands for farmers. Particular attention will be given to any business entrusted to him by Engineers and officers of Railroad Companies and others interested in Bridge building, and especially to Farmers who desire to reclaim their swamp lands or to establish their boundary lines of old surveys. He will also superintend personally the construction and building of Railroad bridges, or any other Bridges that require the services of an Engineer to plan and construct. Parties having business or desiring information will address the undersigned at Campobella, Spartanburg District, S. C. JNO. BANKSTON DAVIS, Civil Engineer, Surveyor and Draftsman. Aug 9 28 8f

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

S. BOBO, } Attachment.
vs.
WILLIAM H. WALKER, }
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the Defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against him.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 5 10 1q-ly

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

S. C. MANUFACTURING CO., } Attachment.
vs.
JESSE M. CANNON, }
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the Defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against him.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 2 10 1q-ly

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

DAVID W. MOORE, } Attachment.
vs.
MARIAH E. McALPIN, }
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against her.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 5 10 1q-ly

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

R. W. FOLGER, } Attachment.
vs.
W. H. WALKER, }
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the Defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against him.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 5 10 1q-ly

THE STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

JOHN C. ZIMMERMAN, } Attachment.
vs.
WILLIAM H. WALKER, } Trover.
Bobo & Carlisle, Plif's Attorneys.

WHEREAS the Plaintiff did on the 30th day of March, 1866, file his declaration against the Defendant who, (as it is said) is absent from and without the limits of this State, and has neither wife nor attorney known within the same upon whom a copy of the said declaration might be served: It is therefore ordered that the said Defendant do appear and plead to the said declaration, on or before the 1st day of April, which will be in the year of our Lord one thousand eight hundred and sixty-seven, otherwise final and absolute judgment will then be given and awarded against him.

Clerk's Office, Spartanburg District, March 30, 1866.
J. B. TOLLESON, C. C. P.
April 5 10 1q-ly

STATE OF SOUTH CAROLINA, SPARTANBURG DISTRICT.

Lawson T. Meaders, Applicant, vs. William Meaders and others. It appearing to my satisfaction that Amos L. Bearden, Polly Ann Bearden and Jane Bearden, three of the Defendants reside without this State, on motion of Farrow & Duncan, Applicants Attorneys, it is ordered that they do appear and object to the division or sale of the Real Estate of George Meaders, deceased, on or before the 14th day of NOVEMBER next, or their consent to the same will be entered of record. JNO. EARLE BOMAR, O. S. D. Aug 28 30 8m