

J. J. Walsh

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MONTHLY CALENDAR FOR JULY, 1871. Table with columns for days of the week and Moon's Phase.

LAWS OF THE STATE,

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

[OFFICIAL.]

An Act to amend and Extend the Charter of the Planters and Mechanics' Bank of South Carolina, and for other purposes therein named.

Sec. 22. The Clerk of the said Town Council shall, annually, make out an assessment, from the books of the County Auditor, of all real estate in the limits of said town for taxation, and shall make return of said assessment to the Intendant and Wardens within one month from the time of his appointment.

Sec. 23. That an ordinance declaring the rate of annual taxation upon property, and other subjects of annual taxation for the year, shall be published at least three weeks during the month of October, in each year; and that all persons liable to taxation under the same shall make their return, on oath, and make payment of their tax to the Clerk and Treasurer (hereinafter constituted) of the said corporation during the succeeding month of November; and, upon failure to make such return and payment, the parties so in default shall be subject to the penalties now provided by law for failure to pay the general State tax; the said penalty to be enforced by the said Intendant and Wardens for the use of the said town. And that all other taxes imposed by the Intendant and Wardens shall be payable in advance by the parties liable therefor; and that, for non-payment of the same, the party in default shall be subject to the same penalty as hereinbefore set forth in relation to annual taxes.

Sec. 24. That the said Intendant and Wardens are hereby authorized to appoint a Clerk and Treasurer to record proceedings, and collect the taxes imposed under and by virtue of this act; and it shall be the duty of the said Clerk and Treasurer to collect the same, and, for this purpose, he shall have and exercise all the powers conferred upon County Treasurers. All property upon which a tax shall be assessed is hereby declared and made liable for the payment thereof in preference to all other debts due by the person owning the property at the time of assessment, except debts and taxes due the State, which shall be paid first.

Sec. 25. That in case of sickness or temporary absence of the said Intendant, the Wardens shall be empowered to elect one of their own number to act as Intendant for the time.

Sec. 26. That the said Intendant and Wardens of the said town of Sumter are hereby authorized and empowered to establish and keep up one or more public scales or scale houses, with proper scales and weights for weighing cotton and other articles sold by weight in the said town, by and at the expense of the said town.

Sec. 27. That the said Intendant and Wardens be, and they are hereby, authorized to appoint one or more public weighers, who shall be sworn by the said Intendant faithfully to perform the duties of said office, and who shall be removable for misconduct or incompetency by said Intendant and Wardens; and when reference is had to any of the public scales used by said weighers, by the authority of said Intendant and Wardens, on the same day that the contract of sale is made, the certificate of public weighers shall be conclusive evidence of the weight of the cotton, or any other article sold by weight, in any court of justice in

which an action shall be pending touching the weight of any such article; and the said Intendant and Wardens are hereby authorized to assess a sum not exceeding ten cents on each bale of cotton, and a proportionate sum on other articles weighed, to be paid by the seller for the use of the said town.

Sec. 28. That the public scales and weights established in pursuance of this act, shall be the standard to which all others in the said town shall conform; and if any person shall use, in weighing any article whatsoever sold in said town, weights and scales differing from the said standard, such person, on conviction in the Court of Sessions for Sumter County, shall be fined and imprisoned, at the discretion of the Court.

Sec. 29. That the said Intendant and Wardens shall have power to establish and keep a guard house and town prison, and to make all suitable rules and regulations for the proper government of the same; and any of the police, appointed by the said Intendant and Wardens, are authorized to arrest and commit to the custody of the said guard house or town prison, for a term not exceeding twenty-four hours, any person or persons who may be guilty, within the corporate limits of the town, of a breach of the peace, or of public drunkenness, or of open indecency, or any other disorderly conduct injurious to the peace, safety and good order of the citizens; and the said police shall, whenever necessary, in the discharge of their duty, have authority to call the posse comitatus of the said town to their assistance; and any person so arrested and imprisoned shall be liable to all the costs and expenses of said arrest and imprisonment, and be further liable to any fine which the said Intendant and Wardens may impose for their misconduct.

Sec. 30. That the Intendant and Wardens are hereby authorized and empowered to make such ordinances as they may deem expedient in relation to licensing persons who are, or may be, engaged in and carrying on any business within their corporate limits: Provided, That no ordinance shall be made inconsistent with the Constitution of this State, and laws of the land.

Sec. 31. That the Intendant and Wardens of the town of Sumter be, and they are hereby, authorized to borrow money, by issuing town stock, from time to time, to the amount of twenty thousand dollars, if so much be necessary, for the purpose of erecting a market and town hall, but never, in any way or form, to make the town liable for exceeding the amount in the aggregate: Provided, That the private property of the citizens of the said town of Sumter shall not be liable, in law or in equity, for the payment of the corporate debts that shall or may be created under the granted powers herein made, or in any other mode than by a regular and uniform taxation.

Sec. 32. That the Intendant and Wardens shall, within twenty days of the expiration of their term of office, make out and publish a full account of their receipts and expenditures, during their term, and shall pay and deliver to their successors all moneys, books, records, papers or property in their hands, belonging to the corporation.

Sec. 33. That the first election held after the passage of this act, the Clerk of the Court of Common Pleas for Sumter County is hereby required to give ten days' public notice of the time and place, or places, of holding said election, and appoint Managers to conduct the same: Provided, further, That immediately after the close of any election held for the election of Intendant or Wardens, the Managers shall forthwith proceed to count the votes, declare the election, and give notice of the result thereof, in writing, to the persons elected, who, if eligible, shall thereupon qualify.

Sec. 34. That this Act shall be deemed a public Act, and shall continue in force for fourteen years, and until the end of the next session of the General Assembly thereafter.

Sec. 35. That all Acts, or parts of Acts, inconsistent with this Act, be, and they are hereby, repealed.

Town of Wrightsville.

Sec. 36. And be it further enacted, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the village of Wrightsville, and those who may occupy such dwelling houses, under lease, shall be deemed, and are hereby declared to be, a body politic and corporate, and that the said village shall be called and known by the name of Wrightsville, and its limits shall be held and deemed to extend three-fourths of a mile in every direction from the Episcopal Church.

Sec. 37. And be it further enacted, That the said village shall be governed by an Intendant and four Wardens, who shall be elected on the first Monday in March, 1871, and on the same day in every year thereafter an election shall be held for an Intendant and four Wardens, who shall always be persons living within the limits of said village, at such place as the Intendant and Wardens shall designate, ten days' notice being previously given; and that all the male inhabitants of said village, who shall have attained the age of twenty-one years, and have resided therein sixty days previous to the election, shall be entitled to vote for said Intendant and Wardens, the election to be held from seven o'clock in the morning until six 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 appoint three (3) Managers to hold the ensuing election: Provided, That the present Commissioners of Election do appoint Managers for the first organic election, and 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 Wrightsville, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God."

Sec. 38. 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 Warden, or Wardens, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of themselves to act as Intendant during the time.

Sec. 39. And be it further enacted, That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively be vested with all the powers of Justices of the Peace within the limits of the said village, and on any occasion may be authorized to meet in Court, for the purpose of holding a Court for the trial of any person or persons whomsoever, and shall be known by the name of the Town Council of Wrightsville, and they, and their successors, shall have power and authority to make and give power and authority to other persons to act as Constables within their jurisdiction, according to the laws of this State, and they shall have all the powers, privileges, and immunities, and be subject to all the duties and regulations provided for Justices of the Peace for the office of Justices; and the Intendant and Wardens, in Council, shall have power to alter their corporate seal, to ordain and establish all such rules, by-laws and ordinances, respecting streets, ways, markets and police of said village, as shall appear to them proper for the security, welfare and convenience of said village, and for preserving health, peace, order and good government within the same; and the said Council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars, and when

finer exceed twenty dollars they may be recovered in the Justices' Courts of Charleston County, and when they are of the amount of twenty dollars or under, the same may be recovered before said Intendant, in Council: Provided, Nothing herein contained shall empower the said Council to ordain or establish any by-laws or ordinances inconsistent with, or repugnant to, the laws of the land; and all such by-laws and ordinances shall, at all times, be subject to revisal or repeal by the Legislature.

Sec. 40. And be it further enacted, That the said Intendant and Wardens shall have power to abate and remove nuisances within said limits, and, in case of disorderly behavior, the 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, or a Trial Justice of the Peace, within the limits of the town of Wrightsville, and, upon due examination, 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 Charleston County is hereby required to receive and keep the persons so committed until discharged by a due course of law; and the said Intendant and Wardens shall, collectively and severally, have jurisdiction within said corporate limits, in all criminal cases, as Trial Justices and Quorums have, according to law.

Sec. 41. And be it further enacted, That it shall be the duty of said Intendant and Wardens to keep all roads, streets and alleys within said limits open and in good repair; also to erect a "lock-up," if necessary; and the said Intendant and Wardens may have power to grant or restrain any license for the sale of intoxicating liquors within the corporate limits of said town, and if said license be granted, as aforesaid, the parties taking out the same, to pay any amount to said corporation that they may assess on said sales, instead of the County treasury; and for that purpose they are invested with all the powers granted by law to the County Commissioners, and, for neglect of duty, shall be liable to the penalties imposed by law upon County Commissioners for like neglect.

Town of Aiken.

Sec. 42. And be it further enacted, That the citizens of this State, who may be inhabitants of the town of Aiken, or owners of freehold therein, within the limits hereinafter prescribed, are hereby declared a body corporate. The limits of the said town shall be held and deemed to be in the form of a circle, and a square upon that circle, with the sides of the square touching the circumference of said circle, on the North, East, South and West. The said circle to describe a circumference, one mile in all directions, from the central point of the intersection of the Railroad avenue and Union street, as the centre of the said town; and the streets within the limits of the said corporation to remain, in regard to number, location and extent, as now established by law, until altered by lawful authority.

Sec. 43. The said town shall be called Aiken, and be governed by an Intendant and six Wardens, to be called the Town Council of Aiken, and by that name have succession of members, keep a common seal, take and hold property, (necessary for corporate uses only,) sue and be sued, plead and be pleaded, and enjoy every right incident to an incorporation.

Sec. 44. That the said Intendant and Wardens shall be always persons who are constitutionally qualified to vote for members of the Legislature in this State; who actually reside within the limits aforesaid, and have so resided at least twelve months immediately preceding their election. Before entering upon the duties of their office, they shall take the following oath, to wit: "I do solemnly swear, (or affirm, as the case may be,) that I am duly qualified, according to the Constitution of the United States, and of this State, to exercise the duties of the office to which I have been elected, (or appointed,) and that I will faithfully discharge, to the best of my abilities, the

duties thereof; that I recognize the supremacy of the Constitution and laws of the United States over the Constitution and laws of any State; and that I will support, protect and defend the Constitution of the United States, and the Constitution of South Carolina, as ratified by the people on the sixteenth day of April, 1868; and I do solemnly swear, as Intendant (or Warden) of Aiken, that I will equally and impartially discharge the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment: So help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the second Monday in September ensuing, and until their successors shall be elected, and enter on the discharge of their duties.

Sec. 45. That all male persons who are Constitutionally qualified to vote for members of either branch of the State Legislature, and who have been permanent residents in the said town for six months immediately previous to the election in which they offer to cast their votes, or who are owners in their own right of a freehold estate in said town, of which they have been legally seized for three months previous to the election, accompanied with actual residence in the town (which, however, must be periodical, or intended so to be,) for at least one month previous to the election, shall be entitled to vote for Intendant and Wardens of the said town. The Town Council shall also be authorized to prescribe, should they at any time deem it expedient as a qualification for voting for Intendant and Wardens, the payment of a poll-tax not exceeding the sum of one dollar.

Sec. 46. That in case a vacancy should occur in the office of Intendant, or any of the Wardens, by death, resignation, removal, or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held, by the appointment of the Intendant and Warden, or Wardens, as the case may be, ten days' public notice being previously given; and the Intendant, in case of his sickness or temporary absence, is authorized and empowered to nominate and appoint any one of the Wardens to act as temporary Intendant, or, failing so to do, the Wardens, forming a Council, shall be empowered to elect one of their number to act in his room during the time.

Sec. 47. The election of Intendant and Wardens of the said town shall be held at the Town Hall, or some other convenient public place in the said town on the second Monday in September of each and every year, from ten o'clock A. M. until three o'clock P. M., when the polls shall be closed, and the Managers shall forthwith count the votes, proclaim the election, and give notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall appoint three Managers to hold the ensuing election, and for any subsequent elections; the Managers shall always, in each case, be persons who are able to read and write with facility, and shall, before they open the polls for such elections, take an oath fairly and impartially to conduct the same; and the Managers of such election are hereby authorized and empowered to administer, if they see fit, an oath to any person offering to vote, and to make all other necessary inquiries for the purpose of ascertaining whether such person is qualified to vote under this law.

Sec. 48. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, within the limits of the said town, be vested with all the powers and jurisdiction of Magistrates or Trial Justices of this State, except for the trial of small and mean causes; and the Intendant shall, as occasion may require, summon the Wardens to meet in Council, a majority of whom shall constitute a quorum for the transaction of business. The said Town Council shall have full power, under its corporate seal, to ordain and establish all such rules, by-laws and ordinances respecting the streets, pavement ways, markets, public buildings, weights, measures, wells, disorderly places, fire department, police, and, in general, every other by-

law, as shall appear to them requisite for the security, welfare and convenience of the said town, and for preserving health, peace, cleanliness, order and good government within the same, and to prevent the violation of ordinances, by ordaining suitable fines, not, however, in any case to exceed the sum of fifty dollars: Provided, That no fine above the sum of twenty dollars shall be collected by the said Council, except by suit in a Court of competent jurisdiction: And provided, further, That no ordinance shall be repugnant to, or inconsistent with, the law of the land; and all ordinances shall be, at all times, subject to repeal by the Legislature.

Sec. 49. The Intendant and Wardens shall have power to elect or appoint a Marshal, and, if they see fit, a Deputy Marshal, upon such terms as they may deem proper, who shall be duly sworn by the Intendant, and vested with all the power that Constables now have by law, and whose power and authority shall be particularly confined within the limits of the said town; but whose further power and authority shall also extend to the arresting and taking into custody any person or persons within a distance of four miles in each and every direction, beyond and without the corporate limits, who shall violate any ordinance of the said town: Provided, Said offence be committed within the corporate limits. The duties of the Marshal shall be to collect all fines and forfeitures imposed by the Intendant and Wardens, and to enforce and carry into execution and effect the by-laws and ordinances of the said corporation, and who shall be liable to be removed by the said Town Council; and the said Intendant and Wardens shall also have power to establish an ordinance whenever they shall deem it expedient, to ordain and establish a police corps for the said town, the expense of the same to be provided for out of the revenue of the said corporation.

Sec. 50. The Intendant and Wardens shall have power to elect or appoint a Clerk, who shall also be Treasurer, whose duty it shall be to attend all meetings of Council, and make a record in a book kept for that purpose of all the proceedings thereof; to take charge of all papers belonging to Council, and to lodge with the proper officers all summons, executions, &c., and receive returns; to keep a regular account of all receipts and disbursements, which accounts shall, at all times, be accessible to the Intendant or any of the Wardens; and it shall be his official duty to make an official semi-annual report to the Council of the state of his accounts, at which times the doors of the Council room shall be open to all the citizens of the said town; and which reports shall be regularly entered in a book kept for that purpose. He shall attend to the publication of all ordinances and other documents ordered by Council to be published. He shall hold his office for such term as Council may prescribe, not, however, exceeding one year, and shall receive such compensation for his services as Council may enact: Provided, That he may be removed from his office at the pleasure of the said Town Council, and, before entering upon the duties of his office, he shall give bond, in the penal sum of three thousand dollars, for the faithful discharge of the same.

Sec. 51. That the said Town Council shall have power to establish a guard house, and to prescribe, by ordinance, suitable rules and regulations for keeping and governing the same; and the said Town Council may, by ordinance, or said Intendant and Wardens in person, employ one or more of them, authorize and require any Marshal, Deputy Marshal or police officer, or any Constable, specially appointed, to arrest and commit to said guard house, or any other place of custody, to be designated by the Intendant, for a term not exceeding forty-eight hours, any person or persons who may be engaged in a breach of the peace, any riot or disorderly conduct, open obscenity, public drunkenness, or in any contumacious, indecent or dangerous to the citizens of the said town, or any of them: And it shall be the duty of the Town Marshal or other police officer to arrest and commit all such offenders, and who shall have power to call to their assistance the posse comitatus if need be, to aid in making such arrests.