EXTRA. ACTS AND JOINT RESOLUTIONS PASSED BY THE

Inderson Intelligencer.

LEGISLATURE-SESSION 1871 AND 1872. [OFFICIAL] AN ACT TO AUTHORIZE THE CLERKS OF THE

COURTS OF COMMON PLEAS TO TAKE TESTI-MONY IN CERTAIN CASES.

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 Clerks of the Courts of Common

Pleas in this State, in all civil causes or proceedings hereafter to be instituted, or now pending, or at issue in the Courts of Common Pleas for their respective counties, shall, upon the application of either party to such cause or proceeding, after ten days' notice to the adverse party, take in writing the depositions of said party; or of any witness or witnesses in said cause or proceeding, whose examination shall be required by the party making such applica-tion; upon taking which depositions, the sev-eral parties shall be entitled to the same rights of examination, cross-examination, and exami-nation in reply, and the same exceptions to the admissibility of evidence, as are allowed by law upon examination before the court. And the depositions so taken shall be certified by the Clerk before whom such examination was had, and shall be read in evidence at the trial of the said cause or proceeding; subject nevertheless to the right of either party to require the per-sonal attendance, and viva voce examination of the witness or witnesses at the trial of said cause or proceeding, the exercise of which right however not to cause a continuance or delay in

the trial of the said cause or proceeding. Sec. 2. That every Clerk of the Court of Common Pleas shall have power to compel the attendance before him of the witness or witnesses to be examined as aforesaid, upon the application of a party to any civil cause or pro-ceeding hereafter to be instituted, pending or at issue in the said court, for which purpose he may issue a subpœna to any such witness, which shall be served personally; and if any witness upon whom such subpana has been duly served, shall fail to attend conformably thereto, the Clerk by whom the same was issued, shall have power to issue a rule, requiring such witness to show cause why he should not be attached for contempt; and upon the failure or neglect of such witness to show cause, the said Clerk shall have power to issue an attachment against such witness for contempt, which attachment shall not be dissolved, except by the order of a Judge, or of the said Clerk. Sec. 3. That every Clerk of the Court of Common Pleas for taking the depositions here-inbefore mentioned, shall be entitled to demand and receive the sum of one dollar for each witness examined, to be paid by the party against whom judgment shall be rendered in said cause

or proceeding. Approved February 15, 1872.

AN ACT TO REGULATE THE LABOR OF PERSONS CONFINED IN THE PENITENTIARY OF THE STATE OF SOUTH CAROLINA.

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 all labor, of whatever character, which is now being, or may hereafter be, discharged by any person or persons who are now, or may hereafter be confined in the Penitentiary of this State, shall be for the exclusive benefit of the State; and the labor of the convicts in the Penitentiary shall not be hired to any person or persons, for a price less than is paid to any other class of laborers for the same kind of labor, and the Superintendent of said institution shall keep a correct record, stating the kind of labor, and the amount realized therefor, and the whole of which amount shall be turned over to the State Treasurer monthly, to be re-tained by him, subject to the draft of the said

time. Sec. 5. That the intendant and wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the jurisdiction and powers of trial

justices and justices of the peace, (except the trial of civil cases, and except as it may other-wise be provided in this act,) within the limits may, as often as he may deem necessary, sum-mon the wardens to meet in council, any two of whom, with the intendant, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Belton, and they and their successors hereafter to be elected may have a common seal, which shall be affixed to all the ordinances, and the said town council shall have authority to appoint, from time to time, as they see fit, such and so many proper persons to act as mar-shals or coustables of the said town, as the said town council may deem necessary and ex-pedient for the preservation of the peace, good order and police thereof, which persons so ap-pointed shall, within the corporate limits of said town, have the powers, privileges and emoluments and be subject to all the obligations, penalties and regulations provided by aw for the office of constable, and shall be liable to be removed at the pleasure of said council; and the said town council shall have power to establish or to authorize the estabishment of the market house in said town, and the said town council shall have full power and authority, under their corporate seal, to make all such rules, by-laws and ordinances, respecting the streets, roads, market-house and the business thereof, and the police system of the said town, as shall appear to them necessary and proper for the security, welfare and con-venience, and for preserving health, order and good government within the same; and the said town council may impose fines for offences against their by laws and ordinances, and appropriate the same to the public use of said town; and the said council shall have power to compel the attendance of witnesses and require them to give evidence upon the trial before them of any person for a violation of any of these by-laws or ordinances, but no fine above

the sum of twenty dollars shall be collected by the town council, except by suit in a court of competent jurisdiction. And provided, also, That no fine shall exceed fifty dollars ; and, also, that nothing herein contained shall authorize the said council to make any by-laws or ordinances inconsistent with or repugnant to the laws of this State; and all the by-laws, rules and ordinances the said council may make shall, at all times, be subject to revisal or repeal by the General Assembly of this State. Sec. 6. That the said intendant and wardens

shall have full power to abate and remove nuisances in the said town, keep all roads, ways and streets within the corporate limits in good repair, and for that purpose they are invested with all the powers heretofore granted to com-missioners of roads, and shall have full power to classify and arrange the inhabitants of said to classify and arrange the innaticants of said town, liable to street, road or other public duty therein, and to force the performance of such duty, under such penalties as are now, or shall hereafter be, prescribed by law, Provided, That the said town council may compound with per-sons liable to perform such duty, upon such terms, and on the payment of such sums, as and provided, also, That the individuals who compose the said town council shall be exempt from the performance of road and police duty, and the inhabitants of the said town are hereby exempt from road and police duty without the corporate limits of said town.

Sec. 8. That the power to grant or refuse license for billiard tables, to keep tavern or re-tail spirituous liquors, within the limits of the said corporation be, and the same is hereby, vested in the power of the town council of Belton, and they shall also have power to impose a tax on shows or exhibitions for gain or re-ward within the limits, and all moneys so received shall be appropriated to the public use of said corporation.

Sec. 9. That the said town council of Belton shall have power to arrest and commit to jail, | treasury not otherwise appropriated. for a space of time not exceeding twelve hours, Superintendent, for the benefit of said institu-tion, which draft shall be accompanied by a person or persons who shall be guilty of disor-1871. derly conduct in said town to the annoyance of citizens thereof, and it shall be the duty of the marshal of the town to make such arrest, and call to his assistance the posse comitatus, if necessary; and upon failure to perform such duty, he shall be fined in a sum not more than twenty dollars for each and every offence. Sec. 10. That the said town council of Belton shall also have power to impose and collect an annual tax upon the assessed property of said town: Provided, No tax shall be imposed, in any one year, to exceed the rate of ten cents on each hundred dollars of such assessed proper-ty; and that the money so raised shall be applied to the use of the said town, The said town council shall have power to enforce the payment of all taxes levied by the said town ouncil, to the same extent and in the same manner as is now, or hereafter shall be, provided by law for the collection of the general State taxes. Sec. 11. That the said town council of Belton shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers : Provided, Nothing herein contained shall extend to sales of sheriff, clerk of the court, judge of probate, coroner, executor, administrator, assignee in bankruptey, or by any other person out of the order, decree of any court, trial justice or jussec. 12. That this act shall be deemed a

That section 15 of "An act to organize and overn the militia of the State of South Caroina," approved March 16th, 1869,) is hereby altered and amended so as to read : The duties of quartermaster-general shall devolve upon the adjutant-general in times of peace. Sec. 2, That the office of assistant adjutant-reneral be, and is hereby abolished, and the

of said town, and the intendant shall and duties of that office are hereby conferred upon the adjutant-general. Sec. 3. That all acts or parts of acts inen-

by repealed.

Approved February 23, 1872.

AN ACT to Regulate the Manufacture and Sale of Commercial Fertilizers in the State of South Carolina. South Carolina.

Section 1. Be it enacted by the Senate and House of Representatives of the State of South | and damages for the same, from whose decision Carolina, now met and sitting in General As- in no case shall there be an appeal.

sembly, and by the authority of the same : All commercial fertilizers manufactured, sold, or kept for sale, in the State of South Carolina, shall have affixed to every bag, bar-rel or parcel thereof a written or printed label, which shall specify the names of the manufacturer and seller, their respective places of business, and the constituent parts thereof.

Sec. 2. Whoever manufactures, sells, or keeps for sale, any commercial fertilizer or fertilizers, not labelled in accordance with the provisions of the preceding section, and whosoever shall affix to any bag, barrel or other parcel of any fertilizer, any label not truly specifying the constituent parts thereof, and the names of the and the amount of compensation, which shall manufacturer and seller, shall be punished by a fine of twenty dollars for the first offence, and forty dollars for the second and every subsequent offence, one-half of which shall, in evey case, be for the use of the prosecutor. Sec. 3. This act shall be deemed a public

act, and be in force after its ratification. Approved February 2, 1872.

AN ACT to repeal an act entitled "An act to for the encouragement of industrial enterprises, and to invite capital to South Carolina for the development of the resources of the State."

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 an act entitled "An act to establish a bureau of agricultural statistics for the encouragement of industrial enterprises, and to invite capital to South Carolina for the development of the resources of the State," passed the 26th day of September, A. D. 1868, be and the same are hereby repealed, and the duties heretofore performed by the commissioner of agriculture shall be, and the same are hereby, conferred upon the Secretary of State.

Sec. 2. That all acts, or parts of acts, inconsistent with this act, be and are hereby repealed.

Approved February 2, 1872.

JOINT RESOLUTION to provide for the Republication of certain Statutes of this State, and Journals of the General Assembly thereof. Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same :

1. That the Republican Printing Company be, and they are hereby, authorized to have printed one thousand copies each, of volumes X, XI, XII, XIII and XIV of the Statutes of this State, and five hundred copies of the Journal of the General Assembly of the Special Session of 1868; said copies to be deposited in the State Library, subject to proper distribu-tion as public necessities, or the convenience of State and county officials may dictate. The clerk of the Senate and clerk of the House of Representatives shall have supervision of said printing.

2. The cost of the printing herein provided for shall be paid upon the certificates of the said clerks of the Senate and of the House of Representatives, out of any moneys in the

Returned to the Senate with the objections

ing. Sec. 2. If the owner or owners of such sur-

rounding land shall signify his, or their refu-sal to the opening of a highway through such lands without previous compensation, the per-son or persons requiring such right of way shall give ten days notice in writing, to the person or persons, through whose lands such right of way is required, of his intention to establish such right of way, naming in such notice a person who will act as referee for him in the location thereof, and said owner or owners shall within sistent with this act be, and the same are here- ten days thereafter appoint a referee for the same, parpose.

Sec. 3. That the referees so appointed, shall within ten days thereafter, meet at some con-venient place and appoint a third referee, and highway, and to determine the compensation

Sec. 4. That within ten days after the appointment of a third referee in compliance with the third Section of this Act, the said referees shall meet and proceed faithfully and impartially to determine the question of location, compensation and damages submitted to them, for which purpose they shall inspect the premises in reference to the construction of the proposed highway, and the quantity of land which shall be required therefore, with respect alone to the quantity and value, and location of the land which may be required, and to the special damand the amount of compensation, which shall be made to the owner thereof, and shall render their verdict in writing for the same.

Sec. 5. That upon the payment of the compensation thus ascertained the right or way over said lands shall be established and shall be opened, and forever remain a public high-

way. Sec. 6. That if the owner or owners of such lands over which such right of way is required, shall not in compliance with second Section of establish a bureau of agricultural statistics this Act appoint a referee within the time required, the referee appointed by the person requiring such right of way shall proceed the same as if all three referees had been appointed, and his action therein, in compliance with Section four of this Act, shall have the same force and effect as if the full board of referees had acted.

Sec. 7. All Acts, or parts of Acts, inconsis-tent with this Act are hereby repealed. Approved February 15, 1872.

IN ACT to-Repeal an Act entitled an Act for the Appointment of a Land Commissioner, and to Define his Powers and Duties.

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 an Act entitled an Act to provide for the appointment of a Land Commissioner, ap-

proved March 27th, 1869, be and the same is hereby repealed. Sec. 2. That all books and papers pertaining

to the office of Land Commissioner be turned over to the Secretary of State on and after the assage of this Act, and the Secretary of State shall execute the duties heretofore devolving upon the Land Commissioner.

Approved February 15, 1872.

AN ACT to Approve, Adopt, and Make of Force the General Statutes of the State of South Carolina, prepared under the direction, and by the authority of the General Assembly. 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 General Statutes of the State of South Carolina, prepared under its authority by W. J. Whipper, C. W. Montgomery, D. T. Corbin, Esquires, and reported to the General Assembly, be, and the same are hereby, adopted as the Statutes of the State of South Carolina, and the Acts, Ordinances and Resolves, recommended by their titles to be repealed by said Commissioners, be, and the same are hereby repealed.

OFFICE SECRETARY OF STATE, COLUMBIA, S. C., February 10, 1872.

ing a council, shall be empowered to elect one of the authority of the same: their number to act in his stead during the the authority of the same: That section 15 of "An act to organize and the council and the same is hereby, repealed. Sec. 2. If the owner or owners of such sur-

OFFICE SECRETARY OF STATE, Columbia. S. C., February 5, 1872. The foregoing act having been presented to the Governor of this State for his approval, and not having been returned by him to the branch of the General Assembly in which it originated, within the time prescribed by the Constitution, has become a law vithout his F. L. CARDOZO. approval. Secretary of State.

AN ACT to Renew the Charter of the Pendleton Male Academy. 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 charter of the Pendieton Male Academy be, and the same is hereby, extended and shall continue in force until repealed.

Approved February 15th, 1872.

AN ACT to amend the Charter of the Town of Union.

Section 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General As-

sembly, and by the authority of the same : That from and immediately after the passage of this act, all and every person or persons whatsoever, who are constitutionally qualified to vote for members of the Legislature of this State, and who may have resided within the present corporate limits of the Town of Union sixty days, and their successors, are hereby declared to be members of the corporation hereby intended to be created.

Sec. 2. That the said persons and their successors shall, from and after the passage of this act, become a body politic and corporate, and shall be known and called by name of the Town of Union ; and its corporate limits shall extend one mile, in the direction of cardinal points, from the Spartanburg and Union Railroad Depot in said town, as a centre, and form a square.

Sec. 3. That the said town shall be governed by an intendant and four wardens, who shall be elected on the second Monday of September in each year, ten days' notice being previously given, and shall continue in office for one year, and until the election and qualification of their

successors; and that all male inhabitants of said town who shall have attained the age of twenty-one years, and resided therein sixty to vote for said intendant and wardens.

Sec. 4. That the election of intendant and wardens of the said town shall be held in some convenient place in said town, from 9 o'clock in the morning until 6 o'clock in the afternoon, and, when the polls shall be closed, the managers shall forthwith count the votes and proclaim the election, and give notice, in writing, to the persons elected. The intendant and wardens for the time being shall always appoint three managers to conduct the election, who, before they open the polls for said election, shall take an oath fairly and impartially to conduct the same; and the intendant and wardens, before entering upon the duties of their offices, shall respectively take the oath prescri-bed by the Constitution of this State, and also the following oath, to wit: "As intendant (or warden) of the Town of Union, I will equally and impartially, to the best of my ability, execute 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. 5. That in case a vacancy should occur

in the office of intendant, or any of the wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held, by the appointment of the intendant and warden, or wardens, as the case may be, fifteen days' previous notice being given ; and in case of the sickness or temporary absence of the intendant, the wardens, forming a council, shall be empowered to elect one of the wardens to act as

intendant during the time. Sec. 6. That the intendant and wardens duly they shall be known by the name of the town council of Union, and they, and their successors hereafter to be elected, may have a common seal, which shall be affixed to all their

This Act having been presented to the Gov- the said town; and the intendant shall, and any fine which the council may impose for the ernor for his approval, and not having been re- may, as often as may be necessary, summon the offence for which he may have been committed. turned to him to the branch of the General As- wardens to meet in council, any two of whom, sembly, in which it originated within the time prescribed by the Constitution, has become a constitute a quorum to transact business, and

ordinance, establish ; the money so received to be applied to the public use of the said corporation. And all persons refusing or failing to pay such commutation shall be liable to such fines and penalties as the said town council may impose. And no person, residing within the said limits, shall be liable to work on any road or bridge without the said limits, or to le taxed or assessed for the same. The said town council shall have power to require license fees from the keepers of ten-pin alleys or any other pin alleys, and to grant or refuse licenses for the same, upon such terms and conditions, and subject to such regulations as they may, by or-dinance, establish. They shall also have power to require license fees from itinerant auctioneers, owners of public drays, wagons, live-ry stables, vehicles and horses kept for hire, within the corporate limits of said town. They shall also have power to impose an annual tax upon the property in said town, to wit: Upon all real estate, not exceeding ten cents on the value of one hundred dollars; upon all stock in trade, not exceeding ten cents on every hu: -dred dollars' worth of the value of said stock. The State assessment to be taken as a basis of taxation. And the said town council shall have power to enforce the payment of all taxes and assessments levied by the said council against the property and persons of defaulters to the same extent, and in the same manner, as is provided by law for the collection of the general State tax, except that executions to en-force the payment of the town taxes shall be issued under the seal of the corporation, and directed to the town marshal or other person specially appointed by the said council to collect the same ; and the money so collected shall be applied to the public uses of the said corporation. And all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof, in preference to all other debts due by the person owning the property at the time of the assess-ment, except debts due the State, which shall be first paid. Sec. 10. That the said town council shall have power and authority to require all persons, owning a lot or lots in said town, to make

power to levy a tax upon the property of said town, to keep the buildings in said town for

educational purposes in repair. And they shal also have power to compound with all perso. s

liable to work the streets, ways and roads in

said town, upon such terms as they shall, by

and keep in good repair sidewalks in front of days previous to the election, shall be entitled said lot or lots, wherever the same shall front or adjoin any public street of said town, if in the judgment of the council, said sidewalk shall be necessary ; the width thereof, and the manner of construction, to be designated and reg-ulated by the said council; and for default or refusal, after reasonable notice to make and keep in repair such sidewalks, the town council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing; and the said town council are hereby empowered to sue for and recover the same : Provided, That such contract for making and repairing be let to the

lowest bidder. Sec. 11. That the intendant and wardens shall have power, and are hereby authorized to elect or appoint one or more marshals, who shall be duly sworn in, and invested with all the powers constables now have by law, and whose jurisdiction and authority shall be confined to the corporate limits of said town ; and the intendant and wardens, or any one or more of them, are hereby authorized to require the marshal of said town, or any special constable, appointed by said intendant or wardens for that purpose, to commit to the jail of Union County, for a term not exceeding twenty-four hours, any person who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of said town, or any of them. And all persons so imprisoned shall pay all costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the elected and qualified shall, during their term of office, severally and respectively be vested collection of fines imposed for violation of orwith all the powers of trial justice or other in- dinances : Provided, That such imprisonment ferior courts in this State, within the limits of shall not exempt the party from the payment of Sec. 12. That said council shall have power to collect licenses from all persons representing publicly, within their corporate limits, for gain or reward, any plays or shows, of what nature or kind soever, to be used for the purpose of said corporation. Sec. 13. That all fines which shall hereafter be collected by conviction in the Court of Sessions for retailing without licens;, within the corporate limits of said town, shall be paid one-half to the informer, and the other half to the said town council, for the use of the said corporation. Sec. 14. That the said council shall have full power and authority to abate all nuisances within their corporate limits, and also to ap-point a board of health for said town, and to pass all such ordinances as may be necessary to define the powers and duties of said board, and to impose fines and penalties upon the members of said board for neglect of duty.— Provided, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars. Sec. 15. That all streets hereafter to be opened in the said corporation shall be at least sixty feet wide, except when such widths cannot be allowed on account of permanent buildings erected, or in course of erection, at the time of the opening of said streets. Sec. 16. That each town council shall, within one month after the expiration of their term of office, make out and return to their successors a full account, under oath, of their receipts and expenditures during their term, and shall pay over all moneys in their hands belonging to the corporation, and deliver up all books, records and other papers incident to their office to their successors; and on failure so to do, they shall be liable to the punishment pre-scribed in the seventeenth (17) section of this act. Sec. 17. That for any wilful violation or neglect of duty, maipractice, abuse or oppression the said intendant and wardens, severally, shall be liable to indictment in the Court of Sessions, and upon conviction, to imprisonment and fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days, or both, at the discretion of the court, besides being liable for damages to any person injured. Sec. 18. That this act shall be a public act, and continue of force for twenty years, and until the end of the session of the Legislature then next ensuing; and that all acts and parts of acts heretofore passed inconsistent with, or repugnant to this act, be, and the same are hereby, repealed.

written statement of the items for which each amount is required. Sec. 2. Any violation of this act, on the part

of the Superintendent, shall be an official misconduct, and, on information of any person to the Attorney-General, he shall immediately com-mence legal proceeding against him therefor. Sec. 3. All acts or parts of acts inconsistent with this act, are hereby repealed. Approved February 15, 1872.

AN ACT TO CHARTER THE TOWN OF BELTON, IN THE COUNTY OF ANDERSON, AND STATE OF SOUTH CAROLINA.

Section 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General As-sembly, and by the authority of the same :

That from and after the passage of this act all citizens of this State, having resided sixty days in the Town of Belton, shall be deemed, and are hereby declared to be a body politic and corporate, and the said town shall be called and known by the name of Belton, and its corporate limits shall extend one-half mile in each direction from the depot in said town. Sec. 2. That the said town shall be governed by an intendant and six wardens, who shall be citizens of the United States, and shall have been residents of the said town for sixty days immediately preceding their election, which shall be elected on the second Monday in April, 1872, and every year thereafter on the second Monday in January, ten days' public notice thereof being previously given, and that all male inhabitants of the age of twenty-one (21) years, citizens of the State, and who shall have resided in the said town for sixty days immediately preceding the election, shall be entitled to vote for said intendant and wardens.

Sec. 3. That the election for intendant and wardens of the said town shall be held in some convenient house, or some other convenient public place in the said town, from nine o'clock in the morning until five o'clock in the after-noon; and when the polls shall be closed, the managers shall forthwith count the votes and proclaim the election, and give notice in writing to the persons elected. At the first election for intendant and wardens, Messrs. G. W. McGee, B. D. Dean and Ira Williams are hereby appointed to act as managers with authority to supply, by appointment, vacancies that may occur from death, refusal to serve, or otherwise. The intendant and wardens so elected shall appoint three managers, to hold open the polls for said election, take an oath fairly and impartially to conduct the same. And that the intendant and wardens, before entering upon the duties of their respective offices, shall take the oath prescribed by the constitution of this State, and also the following oath, to wit : "As intendant (or warden) of the Town of Belton, I will equally and im-partially, to the best of my ability, exercise the trust reposed in me, and I 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." The said intendant and wardens shall hold their offices from the time of their election until the second Monday in January ensuing, and until their successors shall be elected and qualified.

Sec. 4. That in case a vacancy should occur in the office of the 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 wardens, (or warden,) as the case may be, ten public notice thereof being previously given, and in case of the sickness or temporary absence of the intendant, the wardens form-

public act and continue in force until repealed. Approved January 31, 1872.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN TOWNS AND VIL-LAGES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED."

Section 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General As-sembly, and by the authority of the same :

That so much of an act entitled "An act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted," and approved at the session of the General Assembly, 1855, in so far as relates to the Town of Honea Path, in Anderson County, be so amended as to confer upon said corporation all the privileges, rights and immunities now enjoyed by the Town of Anderson, in accordance with their amended charter.

Sec. 2. All acts or parts of acts inconsistent thereto be, and the same are hereby, repealed. Approved January 31, 1872.

PROBATE COURT, IN THEIR RESPECTIVE COUNTIES, TO ISSUE EXECUTIONS.

Whereas, doubts have arisen whether judges of the Probate Court in this State are authorized to issue executions to carry into effect any order, sentence or decree of such court, there-

Representatives of the State of South Carolina, priated. now met and sitting in General Assembly, and by authority of the same :

Section 1. That from and after the passage of this act the judges of the Probate Court, in the several counties in this State, may, and they are hereby, fully authorized and empowered to issue executions, when that is the necessary and proper process to carry into effect any order, sentence or decree of such court. Sec. 2. That all acts and parts of acts incom-

sistent with this act, be, and the same are hereby repealed.

Approved January 31, 1872.

AN ACT TO ALTER AND AMEND "AN ACT TO OR-GANIZE AND GOVERN THE MILITIA OF THE STATE OF SOUTH CAROLINA."

IN THE SENATE, December 9, 1871. On the question, shall this joint resolution become a law, the objections of his Excellency the Governor to the contrary notwithstanding, the yeas and nays were ordered, the joint resolution passed by a viva voce vote of yeas 15, nays 5, and ordered to be sent to the House of Repres

ly order	J. WOODRUFF, Clerk of Senate.
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IN THE HOUSE OF REPRESENTATIVES,] December 11, 1871.

On the question, "Shall this joint resolution become a law, the objections of his Excellency the Governor to the contrary notwithstanding, the yeas and nays were ordered, and the joint resolution passed a viva voce vote of yeas 63, nays 29, and becomes a law in accordance with Article 3, of the Constitution, and ordered to be sent to the Senate.

A. O. JONES. By order Clerk House Representatives.

JOINT RESOLUTION to require the Governor to communicate with the proper authorities of the State of Georgia, with a view to the re-adjustment of the boundary line between the States of Georgia and South Carolina, and authorizing the appointment of three commissioners.

Whereas, The action had by the commissioners of the conference between the States of Georgia and South Carolina is, for many reasons, unsatisfactory, prominent among which may be mentioned the ambiguity of the first article; the manifest error in the third article, to wit : "The State of South Carolina shall not hereafter claim any lands to the eastward, southward, nonthwestward, or west, of the boundary above established;" and, whereas, the citizens of South Carolina have no rights of fishing in the Savannah River, or using or drawing off the waters of said river for the purposes of navigation or manufacturing;

Therefore, Sec. 1. Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor of this State be, and he is hereby required to communicate with the proper authorities of the State of Georgia, with a view to a readjustment of the boundary line between the States of Georgia and South Carolina; and that whenever the Governor of the State of Georgia shall have indicated to AN ACT TO EMPOWEE THE JUDGES OF THE him its willingness for a readjustment, that he be and is hereby further authorized and required to appoint three commissioners on the part of this State to effect said readjustment; and said commissioners shall be paid the same per diem and mileage as members of the General Assembly; and the treasurer of the State is hereby authorized to pay the same out of fore, Be it enacted by the Senate and House of any funds in the treasury not otherwise appro-

Sec. 2. That the said commissioners shall have power to arrange and finally determine the line between said States, and their action in the matter shall be binding upon the State of South Carolina.

Approved 8th of January, A. D. 1872.

AN ACT to Provide the Manner for Obtaining the Right of Way where Lands are Surrounded by other Lands.

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 where any person or persons owning lands surrounded by lands of other person or same:

persons, through which there is no right of way Section 1. Be it enacted by the Senate and or highway, are authorized as hereinafter pro-House of Representatives of the State of South vided, to construct a highway or road through chase two thousand stands of arms, of the most and ways within their corporate limits open Approved Fe

law without his approval. F. L. CARDOZO, Secretary of State.

R. S. Canby for taxes.

House of Representatives of the State of South | tuity, or for any term of years, any estate, real Carolina, now met and sitting in General Asembly, and by the authority of the same :

That the former owners of all land sold for taxes, and bought in for the State by the sherand provide for the support of the Provisional Gov-ernment of South Carolina, for the year com-mencing the 1st day of October 1967 to mencing the 1st day of October, 1867, be, and and convenience of the said town, or they are hereby, allowed the privilege of re-deeming said lands, at any time within twelve ment within the same. And the said council months after the passage of this act.

Sec. 2. That the person or persons desiring to redeem land, sold under said order, shall ap-ply to the sheriff for a certificate, under his hand and seal, stating the amount of tax, costs and penaltics, for which the land was sold.— That the the shall exceed fifty dollars for any one offence, and no imprisonment shall exceed That then the said person shall present the same to the county treasurer, and pay to said charged with an offence for which a fine of treasurer the amount of the tax, with interest more than twenty dollars is ordained, the said thereon, at the rate of seven per cent. per an- charge will be heard and determined in an acnum, on all costs and penalties; whereupon the tion of debt, to be brought in the name of the treasurer shall make and deliver to such per- said town council, for the recovery of said fine, sons a deed of conveyance for said land, removing all the titles therein.

Sec. 3. That the county treasurer shall account for the taxes, penalty, and interest paid dollars, or the offence be one for which imprisin, under this act, in the same manner as he does for other taxes, and shall distribute the quorum thereof, shall have power to hear and costs to the officer to whom the same shall be- determine the said charge and render judgment long.

Sec. 4. That the person or persons redeeming the land shall pay to the county treasurer the sum of three dollars for the deed of conveyance, and to the sheriff (50 cents) fifty cents or the certificate.

Sec. 5. That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

Sec. 6. That all deeds of conveyance heretothe different counties, or any of them, under the act providing for the redemption of lands, sold under the orders of General Canby, approved the ninth day of March, A. D. 1871, in which the application was made therefor within the time limited by that act, be, and the same are hereby, ratified and confirmed.

Sec. 7. That the sheriffs who may have received taxes, interests and penalties in the redemption of lands, as in that act provided, are hereby required to turn the same over to their respective county treasurers, to be disposed of costs received by them to the officers to whom they severally belong.

Approved February 15, 1872.

AN ACT to repeal a joint resolution entitled "Joint Resolution authorizing the Governor to purchase two thousand stands of arms, of the most improved pattern, with usual com-plement of ammunition," approved March 16 1869.

Section 1. Be it enacted by the Senate and House of Representatives of the State of

That the joint resolution entitled "Joint

AN ACT to provide for the redemption of cer-tain lands sold under order of General Ed. in this State, and purchase, hold, possess and Section 1. Be it enacted by the Senate and enjoy to them and their successors, in perpeor personal, or mixed, and sell, alien and convey the same; shall not exceed at any one time the sum of ten thousand dollars. And

the said intendant and wardens shall have full power to make and establish all such rules, bymay fix and impose fines and penalties and

twenty days; and when any person shall be before a court having jurisdiction of causes of action of that amount for Union County. And if the fine ordained be not more than twenty

onment is ordained, the said town council, or a therein. In all cases of trials to be had before the said town council, as hereinafter provided, the party charged shall be cited to trial by a service upon him of a summons, under the hand of the intendant or any one of the wardens, wherein shall be expressed with certainty the offence charged and the time and place of

trial, which service shall be made at least five days before the day of trial.

Sec. 7. That all fines imposed by the said fore executed and delivered by the sheriffs of town council for any violation of ordinances or any default in the performance of street duty, shall be collected by a *fieri facias*; and the said town council shall have power to procure and compel the attendance of witnesses by process similar to that which, by law, magistrates may use in the trial of small and mean causes.

Sec. 8. That the intendant and wardens of said town shall have full and only power to grant or refuse licenses for billiard tables, to keep tavern, or retail spirituous liquors within by them as other taxes, and to parcel out the in the same manner and upon the same conditions as they now are, or may hereafter be, under the laws of the State; and all the powers

vested in the county commissioners are hereby granted to the said intendant and wardens ing spirituous liquors, keeping taverns and billiard tables within said limits, without li-

Sec. 9. That it shall be the duty of the said

Approved January 8, 1872.

AN ACT to incorporate the Cheraw Fire Engine Company as a part of the fire department of the Town of Cheraw.

Section 1. Be it enacted by the Senate and House of Representatives of the State of South the said limits, which licenses shall be granted Carolina, now met and sitting in General Assembly, and by the authority of the same :

That Theodore F. Malloy, Thos. W. Bouchie, James A. McCreight and M. L. Reid, and their successors in office, be, and they are hereby, constituted a body corporate and politic, under within the said limits ; and all moneys paid for the name and style of the "Cheraw Fire Enlicences, and for fines and forfeitures for retail- gine Company," with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be censes, shall be appropriated to the public uses impleaded, in any court of competent jurisdic-of the said corporation: Provided, That the tion; to have and to use a common seal, and intendant and wardens duly elected and quali- the the same to alter at will and pleasure, and House of Representatives of the State of South Carolina, now met and sitting in Gen-to keep a tavern or retail spirituous liquors to that are now secured by law to like corpora e

Sec. 2. This act shall be deemed a public act, and shall remain in force for the term of

Approved February 15, 1872.