

AN ACT TO AUTHORIZE THE CLERKS OF THE COURTS OF COMMON PLEAS TO TAKE TESTIMONY 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 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 application; upon taking which depositions, the several parties shall be entitled to the same rights of examination, cross-examination, and re-examination 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 personal 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 proceeding hereafter to be instituted, pending or at issue in the said court, for which purpose he may issue a subpoena to any such witness, which shall be served personally; and if any witness upon whom such subpoena 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 herebefore 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 retained by him, subject to the draft of the said Superintendent, for the benefit of said institution, which draft shall be accompanied by a 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 misdemeanor, and, on information of any person to the Attorney-General, he shall immediately commence legal proceedings 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 Assembly, 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 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. At the first election for intendant and wardens, Messrs. G. W. McCree, 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 the ensuing and any subsequent election.—The managers, in each case, shall, before they 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 impartially, 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, as the case may be, ten days' public notice thereof being previously given, and in case of the sickness or temporary absence of the intendant, the wardens forthwith

ing a council, shall be empowered to elect one of their number to act in his stead during the 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 causes, and except as it may otherwise be provided in this act,) within the limits of said town, and the intendant shall and may, as often as he may deem necessary, summon 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 marshals or constables of the said town, as the said town council may deem necessary and expedient for the preservation of the peace, good order and police thereof, which persons so appointed 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 law 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 establishment 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 convenience, 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 revision 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 commissioners of roads, and shall have full power to classify and arrange the inhabitants 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 persons liable to perform such duty, upon such terms, and on the payment of such sums, as may be established by laws or ordinances.—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. 7. That the power to grant or refuse license for billiard tables, to keep tavern or retail spirituous liquors, within the limits of the said corporation, 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 reward within the limits, and all moneys so received shall be appropriated to the public use of said corporation.

Sec. 8. That the said town council of Belton shall have power to arrest and commit to jail, for a space of time not exceeding twelve hours, and to fine not exceeding twenty dollars, any person or persons who shall be guilty of disorderly 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. 9. That the said town council of Belton shall also have power to assess and collect an annual tax upon the assessed property of said town: Provided, That no tax shall be imposed, in any one year, to exceed the rate of ten cents on each hundred dollars of such assessed property; and that 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 council, 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. 10. 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 bankruptcy, or by any other person out of the order, decree of any court, trial justice or justice of the peace.

Sec. 11. That this act shall be deemed a 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 VILLAGES, 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 Assembly, 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," approved at the session of the General Assembly, 1855, in so far as relates to the Town of Honea Path, in Anderson County, and 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.

AN ACT TO EMPOWER THE JUDGES OF THE 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, therefore,

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:

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

Approved January 31, 1872.

AN ACT TO ALTER AND AMEND "AN ACT TO ORGANIZE AND GOVERN THE MILITIA 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 where any person or persons owning lands surrounded by lands of other person or persons, through which there is no right of way or highway, are authorized as hereinafter provided, to construct a highway or road through

such lands to the nearest highway there existing.

Sec. 2. If the owner or owners of such surrounding land shall signify his, or their refusal to the opening of a highway through such lands without previous compensation, the person 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 ten days thereafter appoint a referee for the same purpose.

Sec. 3. That the referees so appointed, shall within ten days thereafter, meet at some convenient place and appoint a third referee, and the three referees so appointed shall constitute a board of referees, for the location of such highway, and to determine the compensation and damages for the same, from whose decision in no case shall there be an appeal.

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, with respect to the location, quantity and value, and location of the land which may be required, and to the special damage the owner may sustain by reason of the construction of the highway through his lands, and 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 highway.

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 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, inconsistent with this act are hereby repealed.

Approved February 15, 1872.

AN ACT TO REPEAL 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."

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 REPLICATION 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 distribution as public necessities, or the convenience of State and county officials may dictate.

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 treasury not otherwise appropriated.

Returned to the Senate with the objections of His Excellency the Governor, November 29, 1871.

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 Representatives.

By order J. WOODRUFF, Clerk of Senate.

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 by 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.

By order A. O. JONES, 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, southwestward, 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 him his willingness for a readjustment, that he 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 any funds in the treasury not otherwise appropriated.

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 persons, through which there is no right of way or highway, are authorized as hereinafter provided, to construct a highway or road through

such lands to the nearest highway there existing.

Sec. 2. If the owner or owners of such surrounding land shall signify his, or their refusal to the opening of a highway through such lands without previous compensation, the person 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 ten days thereafter appoint a referee for the same purpose.

Sec. 3. That the referees so appointed, shall within ten days thereafter, meet at some convenient place and appoint a third referee, and the three referees so appointed shall constitute a board of referees, for the location of such highway, and to determine the compensation and damages for the same, from whose decision in no case shall there be an appeal.

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, with respect to the location, quantity and value, and location of the land which may be required, and to the special damage the owner may sustain by reason of the construction of the highway through his lands, and 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 highway.

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 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, inconsistent with this Act are hereby repealed.

Approved February 15, 1872.

AN 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, approved 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 passage 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.

This Act having been presented to the Governor for his approval, and not having been returned to him by the branch of the General Assembly, in which it originated within the time prescribed by the Constitution, has become a law without his approval.

F. L. CARDOZO, Secretary of State.

AN ACT TO PROVIDE FOR THE REDEMPTION OF CERTAIN LANDS SOLD UNDER ORDER OF GENERAL ED. R. S. CANBY FOR TAXES.

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 former owners of all land sold for taxes, and bought in for the State by the sheriffs of the several counties, under the provisions of an order of General Ed. R. S. Canby, dated Charleston, S. C., December 3, 1867, to provide for the support of the Provisional Government of South Carolina, for the year commencing the 1st day of October, 1867, be, and they are hereby, allowed the privilege of redeeming said lands, at any time within twelve months after the passage of this act.

Sec. 2. That the person or persons desiring to redeem land, sold under said order, shall apply to the sheriff for a certificate, under his hand and seal, stating the amount of tax, costs and penalties, for which the land was sold.—That then the said person shall present the same to the county treasurer, and pay to said treasurer the amount of the tax, with interest thereon, at the rate of seven per cent. per annum, on all costs and penalties; whereupon the treasurer shall make and deliver to such person 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 in, under this act, in the same manner as he does for other taxes, and shall distribute the cost to the officer to whom the same shall belong.

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 for 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 heretofore executed and delivered by the sheriffs of the 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 theretofore 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 by them as other taxes, and to parcel out the sums 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 COMPLEMENT OF AMMUNITION," APPROVED MARCH 16, 1869.

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

That the joint resolution entitled "Joint resolution authorizing the Governor to purchase two thousand stands of arms, of the most improved pattern, with usual complement of ammunition," approved March 16, 1869,

be, and the same are hereby, repealed.

Approved February 15, 1872.

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 Pendleton Male Academy, be, and the same is hereby, extended and shall continue in force until repealed.

Approved February 15th, 1872.

AN ACT TO ATTEND 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 Assembly, 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 the 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 days previous to the election, shall be entitled 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 prescribed 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, 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.

and in good repair, and for that purpose they are invested with all the powers granted to the county commissioners. They shall also have 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 shall also have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as they shall, by 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 be 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 ordinance, establish. They shall also have power to require license fees from itinerant auctioneers, owners of public drays, wagons, livey 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 hundred 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 enforce 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 assessment, 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 and keep in good repair sidewalks in front of said lot or lots, wherever the same shall front or adjoin any public street of said town, in the judgment of the council, said sidewalk shall be necessary; the width thereof, and the manner of construction, to be designated and regulated 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.