

ACTS

OF

THE GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED IN,

DECEMBER, 1861.

---

PRINTED BY ORDER OF THE LEGISLATURE, IN CONFORMITY WITH THE STATUTES  
AT LARGE, AND DESIGNED TO FORM A PART OF THE THIRTEENTH  
VOLUME, COMMENCING WITH THE ACTS, OF 1861.

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COLUMBIA, S. C.:  
CHARLES P. PELHAM, STATE PRINTER.

1862.



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Part  
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# STATUTES AT LARGE.

A. D. 1861.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER. No. 4566.  
ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the Treasury of this State, for the use and service thereof; that is to say: one dollar and thirty cents, *ad valorem*, on every hundred Land. dollars of the value of all lands granted in this State, according to the existing classification as heretofore established; one hundred and twenty-slaves. six cents per head on all slaves: *Provided*, That all lands or slaves in this Exemption. State, now in possession or under the control of the enemy, and such other lands or slaves as may be taken by the enemy before the return of the said property to the Tax Collector, and also such other lands as shall have been abandoned by the owners in consequence of the action of the military authorities, shall be exempt from taxation under this Act; three dollars on Free negroes. each free negro, mulatto or mestizo, between the ages of fifteen and fifty years, except such as shall clearly be proved to the satisfaction of the Collector to be incapable, from maims or otherwise, of procuring a livelihood, and except those who now are, or have at any time been, in the service of the army of this State or of the Confederate States, in the existing war; twenty-two cents, *ad valorem*, on every hundred dollars of the value of Lots and build- all lots, lands and buildings within any city, town, village or borough in ings. this State: *Provided*, That the tax on lands and buildings in the City of Charleston be assessed on the value of the lands only, where the buildings and improvements on the land have been destroyed by the late conflagration: *And provided, further*, That no tax shall be levied on lots, lands and buildings within any city, town, village or borough, in this State which have passed into the possession or under the control of the enemy, or which may pass into the possession or under the control of the enemy before returns

<p>A. D. 1861.</p> <p>Factorage, employments, offices, &amp;c.</p>	<p>are made to the Tax Collectors ; one hundred cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, and including herein Clerks of Courts of Common Pleas and General Sessions, Sheriffs, Masters and Commissioners in Equity, Registers in Equity, Registers of Mesne Conveyance, Ordinaries and Coroners, whether in the profession or employment of law or equity the profits be derived from the costs of suit, fees, or other sources of professional income,</p>
<p>Commissions.</p>	<p>except clergymen, schoolmasters, schoolmistresses and mechanics ; one hundred cents on every hundred dollars on the amount of commissions received</p>
<p>Bank capital.</p>	<p>by vendue masters and commission merchants ; forty cents per hundred dollars on the capital stock paid on the first of October, one thousand eight hundred and sixty-one, of all banks which, for their present charters, have</p>
<p>Business agents.</p>	<p>not paid a bonus to the State ; eighty cents per hundred dollars on the capital stock of any bank of issue not incorporated by this State, paid in on the first day of October, one thousand eight hundred and sixty-one,</p>
<p>Gas and Insurance companies.</p>	<p>doing business by agents within the limits of this State ; forty cents per hundred dollars on the capital stock of all incorporated gas-light companies ; one and a half per centum on all premiums taken in this State by incorporated insurance companies, and by the agencies in this State, acting in behalf of insurance companies and underwriters without the limits of this</p>
<p>Merchandise.</p>	<p>State ; twenty-two cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the States of the Confederate States excepted,) which any person shall have made from the first day of January, in the year of our Lord one thousand eight hundred and sixty-one, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, either on his, her or their capital, or borrowed capital, or on account of any person or</p>
<p>Transient merchandise.</p>	<p>persons, as agent, attorney or consignee ; ninety cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place, whether the said sale be made by sample or otherwise ; twenty dollars per day for all circus exhibitions ; five dollars per</p>
<p>Circus and stage exhibitions.</p>	<p>day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures or other shows, of any kind whatever, to be paid into the hands of the Clerks of the Courts, respectively, who shall be bound to pay the same into the Treasuries of the State of South Carolina, except in cases where the same is now required by law to be paid</p>
<p>Moneys invested.</p>	<p>to the corporations or otherwise ; one-tenth of one per cent. on all moneys loaned, moneys at interest, all moneys invested in the stocks or bonds of any State or corporation, other than bonds or stocks of this State, and other</p>

than the stocks of the banks and railroad companies of this State; one hundred and fifty cents for every hundred dollars of gross receipts of all commercial agencies within the limits of this State; thirteen cents on every pack of playing cards sold in this State; fifteen dollars upon every billiard table within this State, used to and for the purpose of raising a revenue therefrom; one hundred cents on the hundred dollars of all salaries, including public offices, except officers of the army and navy, and on all wages, from whatever source derived, except wages of five hundred dollars or less per annum.

A. D. 1861.  
 Commercial agencies.  
 Cards and billiards.  
 Salaries.

II. All taxes levied on property, as prescribed in the first section of this Act, shall be paid to the Tax Collector for the tax district in which said property is located. The commissions to be received by the various Tax Collectors of this State, for the year commencing on the first day of October, one thousand eight hundred and sixty-one, shall be at the rate of seventy per centum of the commissions now allowed them by law.

Taxes, to whom payable.

III. The Tax Collectors in the several districts and parishes in this State, in their returns hereafter to be made, are hereby required and enjoined to state the precise amounts of taxes collected by them for supporting the police of the said several districts and parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said district and parish police purposes, and the total amount of commissions received by each and every of such Tax Collectors, and the rate per centum of his commissions, and the Comptroller General shall return the same in his report.

Police taxes, return of.

IV. Free negroes, mulattoes and mestizoes, are hereby required to make their returns and pay their taxes during the month of March; and the Tax Collector of St. Philip's and St. Michael's is allowed until the month of May to receive the taxes of white persons.

Free negroes, returns of.

V. The lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax district in which they are situate, in the same manner as other town lots and houses, and shall be liable to the same rates of taxation: *Provided*, That lots and houses destroyed, or occupied without compensation, by the military, or used for military purposes without compensation, or ordered to be vacated by military authority, before returns are made, shall be exempt from taxation. That the President of the Columbia Branch of the Bank of the State of South Carolina do pay into the Treasury of this State the following sums, to wit: The sum of seventeen thousand five hundred and fourteen dollars and ninety cents, now on deposit in said Branch, and derived from the Government of the United States, as the portion of South Carolina for sales of public lands, received during the administration of Governor Manning. Also, the sum of sixteen hundred

Houses and lots on Sullivan's Island.

Bank of State, moneys to be paid by.



A. D. 1861.

and fifty dollars, now on deposit in said Branch, and which is the balance of an appropriation for the benefit of the widows and orphans of the Palmetto regiment.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4567. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE:

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government; that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the Contingent Fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, one thousand dollars; for the pay of the Special Private Secretary of the Governor, for his services during the past year, to be in full compensation for the same, fifteen hundred dollars; for the salary of the Special Private Secretary of the Governor for the present year, fifteen hundred dollars.

Executive Department.

Legislative Department.

II. In the Legislative Department: For the pay of the Members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, twenty thousand dollars, if so much be necessary; for the pay of the Members of the Legislature at the extra session, five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, twelve hundred dollars each; for the salaries of the Assistant Clerks of the Senate and House of Representatives, two hundred and fifty dollars each; for the salaries of the said Clerks and their

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Assistants, and the pay of the Attorney General and Solicitors, at the extra session of the Legislature, four hundred and ninety five dollars; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for the services of the Engraving Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, four hundred and fifty dollars; for the printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, four thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the printer, for printing, in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, two thousand five hundred dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposal of the printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division before the twentieth day of February next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And further provided*, that the printer of Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward by mail, to each Member of the General Assembly, and each of the Judges, a copy of such newspaper, as soon as such paper is issued; for Theodore Starke, for contingent expenses during the present session of the Legislature, six hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, and expenses of election returns, fourteen hundred dollars, if so much be necessary.

III. In the Judiciary Department: For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges and Chancellors, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals, in Columbia, six hundred dollars; for the salary of the Messenger of said Court, at Columbia, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the Bar who are members of the



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Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals, in Columbia, two hundred dollars, the same to include the expenses of fuel for the Court of Appeals and for the Library; for the salary of the Clerk of the Court of Appeals, in Charleston, six hundred dollars; for the salary of the Messenger of the said Court, in Charleston, two hundred dollars; for the salary of the Librarian of the Court of Appeals, in Charleston, two hundred dollars, to include the expense of fuel for the Court of Appeals and for the Library; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods, before filing their opinions: *And further provided*, That the said Reporter shall publish, in one or more of the newspapers at Columbia, an abstract of the principles decided by the Court of Appeals in its opinions, as soon as practicable after the delivery of the same; for the pay of the Jurors and Constables, twenty-five thousand dollars, if so much be necessary, the certificates to be paid at either Treasury.

Treasury Department.

IV. In the Treasury Department: For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars; for the services of the Comptroller General, for copying tax books, two hundred dollars; for additional compensation to the Treasurer of the Lower Division, for the performance of the additional duties imposed upon him by an Act entitled "An Act to authorize the issue of certificates of stock to provide for the military defence of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, four hundred dollars; for printing and distributing tax returns, seventeen hundred dollars.

V. For the South Carolina College: For the salary of the President of the College, three thousand dollars; for the salaries of seven Professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, five hundred dollars, also, one hundred dollars (\$100) for error in the appropriation of last year; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their drafts being countersigned by the Treasurer of the College.

A. D. 1861.  
 South Carolina  
 College.

VI. For the ordinary Civil Expenses: For the payment of the contingent accounts of the Upper Division, sixteen thousand dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, twenty-five thousand dollars, if so much be necessary; for the payment of pensions and annuities, one thousand dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, ten thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several election districts in the State, in the proportion of six hundred dollars to each representative in the popular branch of the Legislature; for the support of paupers at the Lunatic Asylum, seven hundred dollars, if so much be necessary; for the education of the Deaf and Dumb, and of the Blind, seven thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committees of Ways and Means and of Finance and Banks, agreed to by the Legislature, one hundred and fifty dollars, if so much be necessary; for the payment of the interest on one million nine hundred and sixty five thousand dollars of bonds and stocks, issued for the construction of the New State Capitol, one hundred and seventeen thousand nine hundred dollars; for the payment of the interest on three hundred and ten thousand dollars of the bonds of the State, issued under an Act entitled "An Act to grant aid to the Blue Ridge Railroad," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, eighteen thousand six hundred dollars; for the payment of the interest on four hundred thousand dollars of bonds of the State, issued for the military defence of the State, twenty-four thousand dollars; for the payment of the interest on six hundred and seventy-five thousand dollars of bonds of the State, issued for the military defence of the State, forty-seven thousand two hundred and fifty dollars; for the payment of the interest on one million eight hundred thousand dollars of the bonds and stock authorized to be issued at the present session of

Ordinary civil  
 expenses.

A. D. 1861.

the Legislature, for the military defence of the State, one hundred and twenty-six thousand dollars.

Military expenditures.

VII. For Military Expenditures: For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard at Charleston, each five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty-seven thousand dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors: *Provided*, That each District shall be entitled to send to said academies a number of beneficiaries equal to its representation in the House of Representatives, or in that proportion, as far as the appropriation for the school may allow; for the salary of the Clerk of the Adjutant and Inspector General, seven hundred and twenty dollars; for defraying the expenses of artillery companies and corps of pioneers belonging to the regiment of artillery in Charleston: *Provided*, That the corps of pioneers shall receive fifty dollars, and no more, and to be drawn in the same way as now provided by law for artillery companies, twenty-five hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the services of the Secretary of State during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries directed to be paid by law; for the salary of the Ordnance Officer, three thousand dollars; for the salary of the Clerk of the Ordnance Officer, one thousand dollars, if so much be necessary, to be paid upon the draft of the said Ordnance Officer, said salaries to be paid quarterly; to defray the expenses attendant upon the military defence of the State, one million eight hundred thousand dollars, to be paid by the Treasurers of the Upper and Lower Divisions, upon the drafts of the Governor: *Provided*, That three hundred thousand dollars of the said amount shall be applied to the payment of the loan made under the resolution of the General Assembly adopted at the extra session, held in the month of November, in the year of our Lord one thousand eight hundred and sixty-one.

Ordinary local expenditures.

VIII. For Ordinary Local Expenditures: For the support of the transient poor of Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the quarantine laws at Charleston, one thousand dollars, if so much be neces-



sary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyah, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish; for maintaining and keeping open the Roper Hospital, in Charleston, three thousand dollars, to be paid to the Medical Society, in trust for the Roper fund, to defray the expenses of the said hospital; for the support of the State Normal and High School, at Charleston, five thousand dollars, to be subject to the draft of the Commissioners of Free Schools of St. Philip's and St. Michael's, and to be applied by them as prescribed by law; for the support of the Catawba Indians, eight hundred dollars, if so much be necessary.

IX. For Extraordinary Expenditures: For James L. Petigru, Esquire, for salary for the year eighteen hundred and sixty-two, as Commissioner to make a Code of the Statute Law of South Carolina, five thousand dollars; and, also, for the services of one assistant, two thousand dollars, to be paid to him as directed by an Act entitled "An Act further to provide for a Code of the Statute Law of South Carolina," ratified on the nineteenth day of December, eighteen hundred and fifty-nine; for the salary of the Commissioner of the New State House, one thousand dollars; for the Marine School of Charleston, six thousand dollars, to be paid to the Charleston Port Society, as directed by the report and resolution as adopted at the present session; for the payment of the expenses incurred by the Commissioner of the Code for printing, stationery and postage, as provided by an Act entitled "An Act further to provide for a Code of the Statute Law of South Carolina," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-nine, six hundred dollars, if so much be necessary, to be paid on the draft of the Commissioner, countersigned by the Chairmen of the Committee of the Judiciary of the two branches of the General Assembly; that the Treasurer of the Lower Division be, and is hereby, authorized and instructed to pay, out of the undrawn appropriation, "for the military contingencies, one hundred thousand dollars, to be drawn and accounted for as directed by the Legislature," ordered by an Act entitled "An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-nine," ratified on the twenty-second day of December, one thousand eight hundred and fifty-nine, the following sums, and as follows, to wit: To the Bank of the State of South Carolina, the sum of fourteen thousand seven hundred and thirty-

A. D. 1861.

Extraordinary  
expenditures.

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eight dollars, being an amount advanced by said Bank for the purchase of arms; to the Bank of the State of South Carolina, the sum of sixteen thousand four hundred and forty-six dollars forty-four cents, being an amount advanced by said Bank to defray the expenses of a Convention of the People of the State of South Carolina; to the Bank of the State of South Carolina, the sum of seventy-one thousand seven hundred and sixteen dollars eighty cents, being an amount advanced by said Bank to defray the expenses under an Act entitled "An Act for the establishment of a Coast Police for the State of South Carolina," ratified on the fifteenth day of January, one thousand eight hundred and sixty-one; and that the overplus of the sums so ordered to be paid, be paid out of any moneys in the Treasury unappropriated; and that an Act entitled "An Act for the establishment of a Coast Police for the State of South Carolina," ratified on the fifteenth day of January, one thousand eight hundred and sixty-one, be, and the same is hereby, repealed; for the relief of the sufferers by the late fire in the City of Charleston, thirty thousand dollars, to be paid by the Treasurer of the Lower Division to the City Council of Charleston; to the heirs of Josiah H. Smoot, two thousand three hundred and thirty-seven dollars and twenty-five cents, to be paid to them as provided for in the report adopted at the present session of the General Assembly; to defray the expense incurred for maps of the boundary line between this State and the State of North Carolina, two hundred dollars, to be paid to James L. Petigru by the Treasurer of the Lower Division; two thousand two hundred and fifty dollars, if so much be necessary, for the balance of the salary of the late F. H. Wardlaw, one of the Associate Judges of the Appeal Court, for the year eighteen hundred and sixty-one, to be paid to his widow, Mrs. Ann G. Wardlaw, by the Treasurer of the Upper Division.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO AMEND AND SUSPEND CERTAIN PORTIONS OF THE MILITIA  
AND PATROL LAWS OF THIS STATE.

A. D. 1861.

No. 4568.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white males, between the ages of sixteen and sixty, shall be liable to perform ordinary militia duty during the existence of the war between the Confederate and United States of America, except the persons exempt from all militia service, and except the Members of both branches of the General Assembly, and their respective officers; all regularly officiating clergymen; all regular licensed practising physicians; the Faculty and Officers in the South Carolina College; Professors in other incorporated colleges, and in Theological Schools; Schoolmasters having under their tuition not less than fifteen scholars; and all students at schools, academies and colleges; all Branch Pilots; one white man to each established ferry, toll bridge and toll grain mill, if actually kept by such white man; the President, Cashier and Teller of the several Banks of the State; the officers and men of the City Guard, and the Fire Departments of Charleston and Columbia; the officers and employees of all railroad companies; the Superintendent and Keeper of the Lunatic Asylum; the Keepers of the Arsenals of the State; all persons holding office under the Confederate States, and the officers and Cadets of the Military Academy; and that all said males, from the ages of sixteen to sixty, shall be liable to perform patrol duty, and shall be subject to be ordered by the Governor and Commander-in-Chief to perform military service in their respective brigades.

Military duty,  
persons liable  
to do.

Exemptions.

II. That so much of the one hundred and forty-eighth section of an Act entitled "An Act to reduce all Acts and clauses of Acts in relation to the Militia of this State to one Act, and to alter and amend the same," as limits the term of service of the militia, when drafted, to three months within this State, and two months out of the State, be, and the same is hereby, suspended during the said war; and that during such suspension the Commander-in-Chief may call out any portion of the militia of this State, from the ages of eighteen to forty-five, (except those exempt by this Act from militia service,) for twelve months, unless sooner discharged, for service either in this State or any of the Confederate States: *Provided*, That on his ordering a draft the companies (beat or volunteer) of the militia shall be allowed to furnish the quota required of them by volunteers for actual service.

Suspension of  
48th section  
Militia Act, as  
to length of  
service.

III. That the companies shall furnish their quotas of volunteers or drafted men in proportion to their relative number liable to a draft by the provisions of this Act, and be exempted from such call to the extent of the

Proportion  
liable to draft.

A. D. 1861.

number of volunteers they have already furnished, and who are then in the military service of this State or the Confederate States, or who shall have served at least twelve months in such service: *Provided*, That no company shall be reduced by drafting below the number of fifteen: *And provided, further*, that it may be lawful for any one so drafted to tender to the commander of the regiment a capable substitute, and upon his being received, the person drafted shall be excused from going into actual service, but shall be liable to perform ordinary militia and patrol duty.

Organization.

IV. That all troops thus raised, whether volunteers or drafted men, for the term of twelve months' service, shall be organized by the Commander-in-Chief into companies and regiments, battalions or squadrons, by ordering forthwith elections for their company and field officers, conforming in said organizations to the laws, rules and regulations of the Confederate States. And all volunteers for a longer period of service, shall be separately organized in a similar manner.

Beat companies, Acts against reduction of suspended.

V. That all Acts prohibiting the reduction of beat companies below the number of fifty men, and all Acts imposing penalties for default of service in the militia organization of this State, be, and the same are hereby, suspended as to all persons who may volunteer in the service of this State or the Confederate States, in the war aforesaid.

Eligibility to office, Acts prohibiting persons from suspended.

VI. That all Acts and clauses of Acts prohibiting persons from being eligible to office, by reason of not holding commissions, in any battalion, regiment, brigade and division, be, and the same are hereby, suspended during the said war, and that any person, during such suspension, shall be eligible to any of said offices, and that all laws requiring more than ten days' notice for any military election be also suspended during the same time; and that any time within ten days shall be sufficient notice for any such election in the militia and volunteer service of this State; and in default of such election, the Governor shall forthwith fill the office by appointment.

Musters and drills.

VII. That all persons required to perform ordinary militia duty, shall be called out for company muster and drill at least once in every two weeks; and, in case of default, to be liable to the same fines and forfeiture now provided by law.

Commissions vacated.

VIII. That the commissions of all officers of beat companies, battalions, and regiments of the militia of this State, not called into actual service, and those in actual service, when relieved, be, and the same are hereby, vacated as soon as new elections can be had to fill said offices so vacated, except the volunteer corps of the city of Charleston attached to the fourth brigade; and all volunteer companies in the State not now having the number of officers, non-commissioned officers and privates required by law, except those now in actual service or already ordered into actual service, be, and the same are hereby, dissolved; and that all persons liable to do ordinary

Volunteer companies dissolved.



militia duty under this Act, and patrol duty under the provisions of this Act, or under any Act, shall be entitled to vote in all company, battalion, and regimental elections.

A. D. 1861.

IX. That upon any proclamation or order from the Governor and Commander-in-Chief calling for troops, the commandant of each militia regiment not excepted in this Act shall forthwith assemble his command at the usual muster ground, and proceed to execute the requisitions thereof; and that officers commanding beat or volunteer militia companies, and if there be no such commissioned officers, then some suitable person appointed by the commandant of the regiment, shall forthwith take, or cause to be taken, a census of all persons liable to militia duty under this Act, residing within their respective beats, and make out a roll of the same, and also separate rolls of those between eighteen and forty-five, and of those who have volunteered from said beats, and are in the service of this State or the Confederate States, and shall return copies of said rolls to the commandant of the regiment and to the Adjutant and Inspector General of the State; and for default in making said returns within ten days after being required to do so by the order of any superior officer, they shall each be liable to a fine of fifty dollars, to be imposed and recovered as provided for by the Militia Laws of this State.

Requisitions of this Act, how complied with.

X. That immediately after the passage of this Act, it shall be the duty of the Adjutant and Inspector General, and he is hereby required, to issue an order for elections to fill all offices in the various companies and regiments, battalions or squadrons, of the militia of this State, which order shall be published in the newspapers of this State, and thereupon the commanding officers of said corps shall extend said order to their respective commands; and said elections shall be conducted in the manner provided by the Militia Laws of this State, and in the time required by said order; and the managers of said elections shall forthwith return the result thereof, in writing, to the commandant of the regiment, who shall immediately transmit a copy of the same to the Adjutant and Inspector General.

Elections to office.

XI. That the corporate limits of any town containing not less than five hundred nor more than two thousand five hundred inhabitants, including slaves and free persons of color, shall constitute a separate militia beat; and it shall be the duty of the inhabitants of all such towns corporate, who are liable to militia duty under the provisions of this Act, to organize themselves into a company, to be attached to the regiment in which such town is situate, unless any such town is divided by regimental lines, in which case the company therein organized may elect the regiment to which they shall be attached; and the companies thus organized shall be subject to all the provisions of this Act, as other militia beat companies.

Separate Beats, where to be organized.

A. D. 1861.

Companies ac-  
cepted under  
resolution of  
extra session  
not subject to  
call or draft.

Assistant Quar-  
termasters and  
Commissaries.

Clerk allowed  
Adjutant and  
Inspector Gen-  
eral.

Pee Dee Le-  
gion, exemp-  
tion of.

Defaulters, how  
punished.

Consistent Acts  
remain of force.

Inconsistent  
Acts repealed.

XII. That the companies which have been or may be accepted by the Governor, under the resolution passed at the called session of this General Assembly, shall not be subject to the call for volunteers, or to the draft hereinbefore provided for, but shall be organized by him, in pursuance of said resolution, into regiments, battalions, or squadrons.

XIII. That the Quartermaster General and Commissary General of this State shall each be entitled to one assistant, with the rank and pay of Captain of Infantry, and as many other assistants, with the pay of First Sergeant, as the Governor may deem necessary for the efficient administration of their departments; and that the Adjutant and Inspector General shall be allowed, if deemed necessary by the Governor, to employ a Clerk, at a sum not exceeding sixty dollars per month.

XIV. That the troops raised within the limits of the fourth military division, and organized under the name of the Pee Dee Legion, be, and the same are hereby, exempted from the operation of this Act: *Provided*, they shall, within twenty days from the ratification hereof, file in the office of the Adjutant and Inspector General a roll of such companies as may be willing to be mustered into Confederate service, under the provisions of an Act of the Confederate Congress entitled "An Act to provide for local defence and special service," approved the twenty-first day of August, in the year of our Lord one thousand eight hundred and sixty-one; and shall, in the mean time, continue in the service in which they are now employed: *And provided*, That such troops as shall not be mustered into the Confederate service, as aforesaid, shall be subject to all the provisions of this Act.

XV. That every person liable to military duty under the provisions of this Act, who shall make default when summoned into actual service, shall be liable to such punishment, short of death, as may be imposed by a court martial, according to the Articles of War of the Confederate States; said Court to be convened by the officer commanding the regiment to which the delinquent shall belong, who is hereby authorized to order said Court, in conformity with the usages of the army of the Confederate States.

XVI. That all Acts and clauses of Acts in relation to the militia of this State, consistent with the provisions of this Act, shall continue of full force and effect; and all Acts and clauses of Acts inconsistent with the provisions of this Act, be, and the same are hereby, suspended during the continuance of this Act.

In the Senate House, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

## AN ACT TO AFFORD AID TO THE FAMILIES OF SOLDIERS.

A. D. 1861.

No. 4569.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That not less than five nor more than ten freeholders, in each tax district in the State, shall be appointed, as hereinafter provided, who shall be called the "Soldiers' Board of Relief," who shall continue in office during the existing war, and for four months thereafter; and they are hereby authorized to fill up all vacancies in their respective Boards, arising from any cause, by appointment of said Boards; and they shall meet upon the call of the Chairman, as well as by their own resolution; a majority of each Board shall constitute a quorum.

Soldiers' Board  
of Relief.

II. That the said Boards shall have power and authority to levy a tax on the tax payers of their respective tax districts, annually, and but once in each year, on the property taxed by the State, to be paid during that year, and none other, to raise a sum of money sufficient to afford aid and relief to the wives and children of such persons, in their respective tax districts, who have now, or may hereafter, volunteer in the military service of this State, or the Confederate States of America, and while in such service, as may desire the same, and whom the said Boards respectively may deem to be proper objects of this aid and relief; but the said tax shall not exceed forty per centum on the general State tax in any one year.

Tax, power to  
levy.

III. That the said Boards, respectively, shall deliver to the Tax Collectors of their respective tax districts a written order to collect such per centage on said general tax as they may decide on, at least one month before the tax returns of the State are made to the said Tax Collectors; that the said Boards, respectively, shall take all proper means to ascertain whether the applicants for aid and relief are proper recipients thereof, according to the true intent and meaning of this Act; and when they have decided in favor of any such applicant, they shall direct their Treasurer to pay, in money, to such person, the sum so allowed, to be paid in advance, monthly or quarterly, as said Board may direct; but if any one of the said Boards shall deem it best to purchase provisions or clothing, in quantity, (which they are hereby empowered to do,) then the said Board may order and direct the said payment to be made from such purchased articles.

Tax Collectors  
to be furnished  
orders to col-  
lect tax.Relief, how dis-  
pensed.

IV. That the said Boards shall each appoint a person, Secretary and Treasurer of their own body, or otherwise, as they may decide, who shall keep a record of all transactions, be responsible to said Board, and give bond, payable to said Board, in such sum, and with such sureties, as the said Board may direct, for the faithful performance of the duties of his office.

Secretary and  
Treasurer of  
Boards.

A. D. 1861.  
 Tax, when to be collected.

V. That the State Tax Collectors of said tax districts shall collect the tax directed by said Boards at the same time that they collect the said State tax, and shall pay the same over to the Treasurers of said Boards, respectively, when collected.

Manner of collecting tax.

VI. That the said Tax Collectors shall pursue the same mode and manner in collecting said tax as they now do respecting other District taxes, and shall be liable to all the penalties respecting said tax as they now are respecting other District taxes; and the Sheriffs of the Judicial Districts, with whom executions may be lodged for the collection of said tax, shall be liable to all the penalties they now are by law, respecting the other District taxes.

Receipts and expenditures, Boards to make returns of.

VII. And said Boards shall make returns of their receipts and expenditures to the Courts of Common Pleas of their respective Districts, at the Fall Term thereof, and shall be liable to the same penalties for default or neglect of duty, as the other District Boards are now liable to, according to law.

Boards, by whom appointed.

VIII. That each of the said Boards shall consist of not more than ten nor less than five persons, to be appointed by Joint Resolution of the General Assembly, to continue in office for one year.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4570. AN ACT TO PROVIDE MORE EFFICIENT POLICE REGULATIONS FOR THE DISTRICTS ON THE SEA-BOARD.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for each of the Districts of Beaufort, Colleton, Charleston, Georgetown, and Horry, a Police Court is hereby constituted, to continue so long as a foreign enemy has possession of any part of the coast of South Carolina, whose jurisdiction shall extend to all matters of criminal and police regulation over the slaves and free persons of color in said Districts: *Provided,*



That this Act shall have no operation within the corporate limits of the City of Charleston. A. D. 1861.

II. That within the limits of these Districts, respectively, the said Courts shall have full power in regard to slaves and free persons of color, to establish such regulations, and inflict such punishments, as they, in their discretion, may deem that the exigencies of the time require, any law now existing to the contrary notwithstanding; and the action of said Courts, in such cases, shall be final and without appeal; and said Courts shall have power to impose penalties, and to issue executions, when not exceeding twenty dollars, for the collection thereof, upon all persons who shall be summoned, under the provisions of this Act, to do police duty, and shall fail to perform the same. Powers of.

III. That said Police Courts shall consist of a Provost Marshal and four other persons, to be appointed by the Governor, for each of the Districts above named, respectively, to be selected from a list of persons to be recommended to him by the Senators and Representatives in the General Assembly for that District; the Provost Marshal to preside over said Court, and to be charged with the execution of its judgments. Court's. of whom composed.

IV. That the Provost Marshal shall have authority to appoint as many Deputy Marshals as he may deem necessary, within his District, whose duty it shall be to execute such orders as may be given by their chief, and such Deputy Marshals may call to their assistance such number of citizens, not on military duty, as may be required. Deputy Marshals.

V. That the said Provost Marshals shall have a general supervision of the Patrol of their Districts, respectively, and may call out the same, or any part thereof, at any time, and prescribe the duties to be performed by them, and shall direct and control, through their proper officers, the entire militia of their respective Districts, for police purposes: *Provided*, said militia are not at the time under orders to serve against the public enemy. Patrol. Provost Marshals to have control of.

VI. That said Provost Marshals may themselves, or by their Deputies, arrest such white persons, within their Districts, respectively, as the said Provost Marshal may consider dangerous to the community, and a commitment under the hand of such Provost Marshal, setting forth the cause of arrest and imprisonment, shall be sufficient authority to hold such persons until discharged by order of a Judge, at Chambers, or in due course of law, at the next term of the Court of General Sessions within said District; and the Provost Marshals and their Deputies shall be *ex officio* Magistrates in their respective Districts, except for the trial of small and mean causes. Arrests, how to be made.

VII. That whenever the Provost Marshal, or any Deputy Marshal under his authority, shall deem it expedient to retain upon special police duty any citizen or citizens more than two days, consecutively, the Provost Marshal may, at his discretion, give to each person so employed a certificate of Special Police, compensation of.

A. D. 1861.

service, which shall entitle the holder to such sum of money as may be certified by the Provost Marshal, not exceeding two dollars per day for the time such person has been on duty.

Deputy Marshals, compensation of.

VIII. That the Deputy Marshals shall be entitled to compensation at the rate of three dollars per day while engaged on duty; and all moneys necessary to carry the provisions of this Act into effect, in each District, shall be raised by an assessment upon the general tax of such District; and the Tax Collectors of each of said Districts are hereby required to assess and collect, annually, from the tax-paying citizens of his or their Districts, such sums as the Police Courts hereby established shall direct; and the Provost Marshal of each District shall render an account, annually, of his receipts and expenditures to the Treasurer of the Lower Division.

Owners and overseers required to aid.

IX. That all owners or overseers of negroes, or other persons in control of slaves, are hereby required to give their aid and assistance to carry out the orders of the Provost Marshal of the District, in regard to all matters of police regulation relating to such slaves; and, upon failure to do so, shall be subject to indictment for misdemeanor, or attachment.

Governor may extend this Act.

X. That the provisions of this Act may be extended to other Districts of this State by proclamation of the Governor.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*

No. 4571. AN ACT TO EXTEND RELIEF TO DEBTORS, AND TO PREVENT THE SACRIFICE OF PROPERTY AT PUBLIC SALES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful for any officer of this State to serve or execute any mesne or final process of any of the Courts of this State for the collection of money, until after the expiration of the first session of the next General Assembly of this State, except in cases provided for in the second section of this Act, and except process for military fines.

Mesne or final process, unlawful to serve or execute.

II. That if the plaintiff, in any such mesne or final process, or his agent or attorney at law, shall make affidavit before some one of the Clerks of the Courts of Common Pleas and General Sessions of this State, that his debtor has absconded, or is about to abscond, or that such debtor is removing, or is about to remove his property beyond the limits of this State, or is fraudulently disposing of the same, which affidavit shall be attached to such mesne or final process, before any action thereon, the said plaintiff in such mesne or final process may require the defendant to give a bond, payable to such plaintiff, in double the amount of the sum sued for, or of the amount of the judgment upon which such final process may be based, with security, to be approved by the Clerk of the Court of Common Pleas of the District in which such defendant may reside or may be taken, conditioned for the delivery of the property of such debtor, liable to such process, or so much thereof as may be sufficient to satisfy the plaintiff's demand, to the Sheriff of said District, or for the surrender of the body of the defendant, according to the exigency of such process, at the time at which judgment may be obtained on such debt in cases of mesne process, or at the time limited for the operation of this Act in cases of final process: *Provided, however,* If such bond and security shall not be given within ten days after the defendant shall be served with a copy of the said affidavit, such defendant shall be deprived of the benefit of this Act; and in the absence of defendant, a copy of such affidavit left at his place of residence shall be equivalent to personal service.

A. D. 1861.

Fraudulent disposition of property, remedy for.

III. That it shall be the duty of the Clerk before whom such affidavit may be made, forthwith to cause a copy thereof to be personally served on the defendant, or left at his residence, with a notice requiring him to give the bond and security required by the second section of this Act within ten days from the date of such service, and the Sheriff shall immediately, upon the filing of such affidavit, proceed to arrest the defendant, or take a levy of property, according to the exigency of the process to which such affidavit may be attached.

Clerk, duties of.

IV. That all sales authorized or directed by any decree, rule or order of any of the Courts of this State, shall be stayed until the same shall be renewed by one of the Judges of the Court making such decree, rule or order, either in open Court or at Chambers.

Sales, stay on all ordered.

V. That the operation of the Statute of Limitations be, and the same is hereby, suspended during the period in which this Act is of force, so far as applicable to causes of action coming within the meaning of this Act.

Statute of limitations, partial suspension of.



A. D. 1861.

VI. That while this Act remains in force, debts due on open accounts, and other demands not heretofore bearing interest by law, shall bear interest at the rate of seven per centum per annum.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4572. AN ACT TO ENABLE VOLUNTERS IN THE MILITARY SERVICE TO EXERCISE THE RIGHT OF SUFFRAGE.

Suffrage to be exercised by citizens in military service—mode of holding election.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That during the continuance of the existing war between the United States and Confederate States of America, the members of all volunteer companies made up of citizens of this State, including all field and staff officers, who shall be absent from home in the military service of the country, upon the happening of any general or District election, shall have the same right of suffrage as if present in their respective election Districts; and to enable them to exercise the said right, it shall be the duty of the commissioned officers, or a majority of those present, on duty, commanding any such company of volunteers, after first being duly sworn to manage the same fairly and impartially, according to law, to open a poll from twelve o'clock, noon, until two o'clock in the afternoon, in their respective companies, on the day fixed for any election, and to receive the votes of all volunteers, including field and staff officers, who are qualified to vote under the Constitution and laws of this State.

Managers, duty of.

II. That immediately after closing the polls it shall be the duty of the managers to count the ballots, and make a statement of the result, certified under their hands, and dispatch the same, with a list of the names of the voters, under sealed cover, either by mail or by a special messenger, as they shall deem best, as follows: That is to say, if the election be for members of Congress, the certificate, together with the ballots cast, to the Governor of the State or to the Secretary of State, and if for members of the General Assembly, or any District officer, the certificate of the result to the

Clerks of the Courts of the respective Judicial Districts ; and it shall be the duty of the said Clerks to receive and be responsible for such returns, under the penalties provided by law for neglect of official duty, until delivered to the managers of elections as herein provided.

A. D. 1861.

III. That it shall be the duty of the managers of the several election Districts to reassemble at the Court House, or other place appointed by law for counting the ballots, on the first Saturday next ensuing any such election, at which time and place it shall be the duty of the Clerks of the Courts, under the penalties aforesaid, to deliver to the managers the returns, if any have been received by them from the army ; and the said managers shall forthwith proceed to aggregate the returns thus received with the returns which shall have been previously made by them from the District precincts, and declare the election as is now provided by law. And if, upon the reassembling of the managers for the purpose aforesaid, it shall happen that no returns, or only partial returns, have been received from the army, then it shall be their duty to declare the election according to the result of the ballots cast at their District precincts, and the returns, if any, received.

District Managers, duty of under Act.

IV. That all Acts and parts of Acts repugnant to this Act, be, and the same are hereby, suspended in their operation for and during the continuance of the war between the United States and Confederate States of America.

Repugnant Acts suspended.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ISSUE AND PUT IN CIRCULATION NOTES RECEIVABLE IN TAXES OR DUES TO THE CITY. No. 4573.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston is hereby authorized to issue and put in circulation notes or certificates, in the form hereinafter prescribed, of the

Small bills to be issued by City Council of Charleston.

A. D. 1861.

denomination of one, two and three dollars, and such small bills as the City Council may direct, which notes or certificates, so to be issued, shall be receivable in payment of taxes and other dues to the City of Charleston, for the sums therein expressed; the whole amount of such notes or certificates not to exceed the sum of three hundred thousand dollars: *Provided*, That the amount of bills under the denomination of one dollar shall, at all times, be equal to one-third of the amount issued by said City Council under this Act. And the said notes shall be in the following form, viz: "This note shall be received in payment of taxes and other dues to the City of Charleston, for \_\_\_\_\_," and shall be signed by the Mayor and Clerk of Council, or such other person or persons as the Mayor may appoint for that purpose, and shall be redeemed, on demand on the Mayor, in notes of any of the Banks of this State.

Refusal to redeem, penalties for.

II. In case of the refusal or neglect of the Mayor and City Council to redeem any of the said bills on demand, as hereinbefore provided, the holder shall be entitled to the same remedies at law against the City of Charleston as he would be entitled to against any Banks in this State, in case of their refusal to redeem their notes.

Limitation of Act.

III. That the provisions of this Act shall cease and determine on the first day of January which shall be in the year one thousand eight hundred and sixty-five.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4574. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A PATROL AND MILITARY GUARD FOR THE CITY OF CHARLESTON, AND FOR OTHER PURPOSES."

Former Act extended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to provide a Patrol and Military Guard for the City of Charleston, and for other purposes," ratified on the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and

sixty-one, be, and the same is hereby, extended and made of force for and during the continuance of the existing war between the United States and the Confederate States of America.

A. D. 1861.

II. That no person enrolled as a member of the Patrol and Military Guard, according to the provisions of the said Act, shall be permitted to resign or withdraw from the Company to which he is attached, without giving six months' previous notice of his intention to do so, unless by the written consent of the officers commanding the Company from which he proposes to withdraw: *Provided*, That no Company shall increase, by election, the number of active members they now have on the enrollment last returned to the Chief, under the provisions of the said Act of eighteen hundred and sixty-one, and that they shall not elect any more members during the year than shall be necessary to fill vacancies occasioned by death, resignation, or otherwise, so as to keep up the number of men now returned.

Resignations  
and with-  
drawals.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate*.

JAMES SIMONS, *Speaker House of Representatives*.

AN ACT TO PROVIDE FOR THE PAYMENT BY THE STATE OF THE WAR TAX OF THE CONFEDERATE STATES, AND FOR THE COLLECTION OF THE SAME FROM THE TAX-PAYERS IN THIS STATE. No. 4575.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That when the chief Collector of the Confederate States for South Carolina shall have completed the assessments and tax returns in this State, and the sum total of the said War Tax payable by the people of the State shall be made known, it shall be the duty of the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina, to deduct from the sum total of the Tax as aforesaid ten per centum, as provided by the Act of Congress of the Confederate States, and to pay the amount of the residue thus ascertained into the Treasury of the Confederate States in such man-

Confederate  
war tax, how to  
be paid.



A. D. 1861.

ner as the Secretary of the Treasury of the Confederate States may direct, on or immediately before the first day of April, one thousand eight hundred and sixty-two, as fixed by the act of Congress aforesaid, or such other day as may be appointed by authority of the Confederate States.

Funds, how to be provided.

II. That to provide the funds to pay the tax as aforesaid, the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina are hereby authorized and directed to borrow an amount of money equal to the net sum of the said tax, and to pledge the faith and funds of the State of South Carolina for the payment of the said loan and the interest to accrue thereon; and jointly to sign, on behalf of the State, the contracts made for the said loan.

Books of tax returns to be distributed.

III. That it shall be the duty of the Treasurer of the Lower Division and the President of the Bank of the State, on making payment of the tax as aforesaid, to procure from the chief Collector of the Confederate States, the books containing the tax returns for the said War Tax, of all the tax districts in South Carolina, and to distribute and deliver the same to the several Tax Collectors of this State.

Bonds, Tax Collectors to give.

IV. That each Tax Collector shall execute his bond, with three good sureties, to be approved and deposited as bonds of Tax Collectors are now required by law, in a sum equal the amount of the general tax for his collection district for the year one thousand eight hundred and sixty-one, which said bonds shall be executed and deposited with the proper officer on or before the first day of April next. And in case any Tax Collector shall fail to execute his bond, in manner aforesaid, by the time aforesaid, the Governor is hereby authorized and required to appoint a Collector in the place of the Tax Collector so making default; and the person so appointed shall execute his bond, in three times the amount of the general tax of his Collection District for the year last preceding his appointment, with three good sureties, to be approved and lodged in the proper office, as now required by law of Tax Collectors, within two weeks after the date of his appointment, and before he enters upon the duties of his office.

Collectors to be appointed in case of neglect to execute bonds.

V. That it shall be the duty of the Tax Collectors to open their books to receive payment of the said War Tax, on a day not later than the fifteenth day of June, one thousand eight hundred and sixty-two, and to keep them open until the last day of July following, exclusive, and to give notice of the same, in the same manner as in the collection of the taxes of the State. And all tax-payers who shall make payment on or before the said last day of July, shall be entitled to a deduction of five per centum from the amount of their tax; and the Tax Collectors are hereby authorized and required to make the said abatement. .

Books to be opened not later than 15th June.

VI. That it shall be the duty of the Tax Collectors to re-open their books on the fifteenth day of October, one thousand eight hundred and sixty-two, and keep them open until the fifteenth day of November following, giving the same public notice as before, to receive the taxes of such persons as may not have paid on or before the last day of July aforesaid: *Provided*, That no abatement shall be made of the full sum assessed of the taxes to be paid, during the second opening of the books, as herein provided.

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Books, when to be re-opened.

VII. That the Tax to be levied and collected, as aforesaid, shall be the same in amount, and in lieu of the War Tax of the Confederate States levied under the act of Congress entitled "An act to authorize the issue of Treasury Notes and to provide a War Tax for their redemption," approved the nineteenth day of August, one thousand eight hundred and sixty-one, and the Tax Collectors shall collect the same in conformity with the returns and amounts set forth in the books of Tax Collectors of the Confederate States, furnished them by the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina, as hereinbefore provided.

Tax to be the same as Confederate war tax.

VIII. That the compensation to be allowed to Tax Collectors for the collection of the tax aforesaid, and the discharge of all the duties prescribed in this Act, shall be as follows, to wit: Two per centum on the first ten thousand dollars of the sums collected, and one-half of one per centum on the remainder of the same: *Provided*, That in no case shall the compensation be less than three hundred dollars nor more than six hundred dollars: *And provided*, That the compensation of the Tax Collector for the Parishes of St. Philip and St. Michael shall be two thousand dollars.

Compensation to Collectors.

IX. That returns shall be made as usual by the Tax Collectors to the Treasurer of the Upper Division and the Treasurer of the Lower Division, within thirty days after the respective dates in this Act mentioned for the closing of the books, and the moneys collected paid into the Treasury within the same time.

Returns, when and to whom to be made.

X. That the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina are hereby authorized to draw from the Treasury of the State all sums deposited therein as the produce of the War Tax aforesaid, and apply the same, as it may be paid in, to the gradual reduction and final extinguishment of the loan made by them, both of the principal and interest thereon: *Provided, however*, That no more of the said moneys shall be drawn than is necessary to discharge the principal and interest of the debt.

Tax to be drawn from the Treasury, and by whom.

XI. That all existing penalties and forfeitures imposed by law, and all other provisions made by law for the enforcement of the collection of State

Existing penalties made of force.

A. D. 1861.

taxes, are hereby adopted and applied to the collection of taxes under this Act, and the said taxes shall be payable in the medium provided by law for the payment of State taxes.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4576. AN ACT TO AUTHORIZE THE ISSUE OF STOCK, TO THE AMOUNT OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS, FOR THE MILITARY DEFENCE OF THE STATE, AND FOR OTHER PURPOSES.

Military defence, loan for authorized.

*Whereas* it is necessary to raise the sum of one million eight hundred thousand dollars, by loan, for the military defence of the State ; therefore,

By whom to be made.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President of the Bank of the State of South Carolina and the Treasurer of the Lower Division shall be, and they are hereby, authorized and empowered to sell, for ready money, one million eight hundred thousand dollars of the stock of this State, bearing seven per cent. interest, at such times, and in such sums, as the public exigencies may require.

Stock certificates, by whom issued.

II. That the Treasurer of the Lower Division shall, from time to time, make out certificates of stock, bearing an interest of seven per cent., payable semi-annually, in the names of such persons or corporations, and in such sums, as may be required by those purchasing said stock, not exceeding in all the said sum of one million eight hundred thousand dollars.

Books of registry.

III. That the Treasurer of the Lower Division shall open a set of books, and shall enter therein, in proper order, the names of all persons and corporations who shall become purchasers of the stock hereby created and directed to be issued, and shall conduct the business in the same manner, and with the same checks, as has been heretofore done in relation to other stock issued by this State.

Form of certificate.

IV. That the following shall be the form of the certificates of stock hereby authorized to be issued :



STATE OF SOUTH CAROLINA :

A. D. 1861.

No. \_\_\_\_\_, Charleston,

Be it known that there is due from the State unto \_\_\_\_\_, or assigns, the sum of \_\_\_\_\_, bearing interest at the rate of seven per cent. per annum, from the \_\_\_\_\_ day of \_\_\_\_\_, eighteen \_\_\_\_\_, payable semi-annually, and not subject to redemption before the \_\_\_\_\_ day of \_\_\_\_\_, eighteen \_\_\_\_\_, created by virtue of an Act to authorize the issue of stock to the amount of one million eight hundred thousand dollars, for the military defence of the State, and for other purposes, passed in December, one thousand eight hundred and sixty-one; which debt is transferable only by the proprietor, or proprietors, or their attorneys, in the books of the Treasury in Charleston.

President of the Bank,

Treasurer of the State of South Carolina.

V. That any certificate of stock issued under the authority of this Act, Countersigned. shall be countersigned by the President of the Bank of the State of South Carolina.

VI. That the interest on the said stock shall be paid semi-annually, on the first day of July and the first day of January, in each year, at the Treasury of the Lower Division. Interest, when payable.

VII. That the said stock, so to be issued, shall be redeemable as follows: Stock, when redeemable. One hundred thousand dollars on the first day of July, in the year eighteen hundred and sixty-seven, and one hundred thousand dollars on the first of July, in each succeeding year thereafter, until the whole amount be paid; and the certificates to be issued shall conform to this arrangement, so that certificates to the amount of one hundred thousand dollars shall be made payable in each year, from the first of July, eighteen hundred and sixty-seven, to the first of July, eighteen hundred and eighty-four.

VIII. That the faith of the State is hereby pledged for the redemption of the stock issued under this Act, and the interest on the said stock, and the said sum of one hundred thousand dollars, so to be paid, annually, from eighteen hundred and sixty-seven to eighteen hundred and eighty-four, inclusive, shall be raised and provided for by taxation. Stock, faith of State pledged for its redemption.

IX. That the President of the Bank of the State and the Treasurer of the Lower Division be, and they are hereby, authorized to sell and dispose of the said stock, and to deposit the funds arising therefrom in the Treasury of the State, and that the Treasurer of the Lower Division be allowed, in addition to the compensation now allowed him, four hundred dollars, annually, to provide for the additional expense of Clerk hire necessary to the proper discharge of the duties imposed by this Act. Sales of stock, by whom to be made.

X. That the sum of six hundred and fifty-nine thousand two hundred and ninety-four dollars and six cents, now due to the State of South Carolina by the Confederate States of America, as appears by the report of the Hon- Debt due the State by the Confederate States, how disposed of.

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orable W. G. DeSaussure, Secretary of the Treasury, made to his Excellency the Governor, when collected from the Government of the Confederate States, or any part of the same that may be collected, is hereby ordered to be deposited in the Treasury of the State of South Carolina.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4577. AN ACT FOR REBUILDING THE CITY OF CHARLESTON, AFTER THE RECENT CONFLAGRATION.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State of South Carolina be, and he is hereby, authorized and directed, in the name of the said State, to issue bonds, certificates of stock, or other contracts, to be countersigned by the Comptroller General, not exceeding in all the sum of one million of dollars, which bonds, certificates of stock, or other contracts, shall be made payable as follows, viz :

When payable. Bonds, certificates of stock, or other contracts, to the amount of two hundred and fifty thousand dollars, shall be payable on the first of January, eighteen hundred and seventy-two, and others, to the like amount of two hundred and fifty thousand dollars, shall be made payable on the first of January in each succeeding year, until the whole amount is paid; the same to bear interest at the rate not exceeding seven per cent. per annum, for the purpose of procuring a loan on the credit of the State to rebuild that portion of the city of Charleston now lying in ruins; that the said bonds, certificates of stock, or other contracts, be issued in such form, and for such sums, and the principal and interest be made payable at such times and places, as shall be most effectual in procuring the said loan, either in Europe or America; and that the faith and funds of the State of South Carolina be, and the same are hereby, pledged to secure the punctual payment of the said bonds, certificates of stock, or contracts, with the interest thereon.

Bonds, Governor to issue.

When payable.

Interest.

Bonds, form and sums.

II. That in order to effect the said loan, the Governor is authorized and directed to commission such agent or agents as the President and Directors of the Bank of the State of South Carolina shall appoint, which said agent or agents shall be empowered to receive the said bonds or contracts from the Governor and Comptroller General, and to make all such arrangements as in his or their judgment may be deemed expedient for procuring the said money, and placing it to the credit of the State, subject to the draft or order of the President of the Bank of the State of South Carolina.

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 Agents.

III. The President and Directors of the said Bank are authorized and required, from the moneys so borrowed, to loan to such applicants as will rebuild the portion of the City of Charleston which has been destroyed by the late fire, one million of dollars, if so much be required, under the following terms and regulations, viz :

Loans, to be made.

*Clause 1.* As soon as the said loan, or any portion thereof, may be effected, any applicant desiring to build upon the said burnt district may avail himself of the benefit thereof by making application to the said Bank, setting forth a description and estimated cost of the building he proposes to erect, together with the situation and dimensions of the lot whereon the building is proposed to be placed, and an abstract of his title thereto; and upon the President and Directors of the said Bank being satisfied with the title, and that it is free from incumbrance, they shall direct the said lot to be valued by the Commissioners hereafter named, who shall certify their valuation to the President and Directors, whereupon the said President and Directors are authorized and instructed to loan to the said applicant one-half of the appraised value of his said lot: *Provided*, That before any loan be actually made, and money advanced to said applicant, it shall appear that work has been done to the amount of one-fifth of the estimated cost of the building; and all applications for the said loan shall be made within three years from the passing of this Act.

Loans, how to be made.

*Clause 2.* The applicant shall enter into bond, in a sufficient penalty, with condition to pay to the President and Directors of the said Bank of the State, each principal sum which may be loaned him, in ten equal annual instalments, the first of which shall be payable within four years from the date of the bond; also, with condition to pay the interest annually; also, with the further condition that the money loaned shall, within one year from its receipt, be expended in the erection of brick or stone buildings, with roofs or coverings and cornices of incombustible material, upon the said lot of land; and, also, that the said applicant shall, in all respects, comply with the provisions of this Act; and the said bond shall be secured by a mortgage of the lot of land, which mortgage shall be in the following form:

Applicants to give bond.

" I, \_\_\_\_\_ do assign over to the President and Directors of the Bank of the State of South Carolina, their successors or assigns, forever, my—[here

Mortgage, form of.

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describe the estate particularly]—which estate I declare to be in mortgage for securing the repayment of such sum or sums of money as may be loaned under the Act for rebuilding the City of Charleston, passed in December, eighteen hundred and sixty-one, with interest, insurance, and so forth, and agree that the same may be exposed for sale, according to the provisions of the said Act, if                    do not repay the principal, interest, insurance, and so forth, at the several and respective times on which they shall be lawfully due and payable. Witness                    hard and seal, this                    day of                   , one thousand eight hundred and sixty                   .” On which mortgage, should the applicant be married, a renunciation of dower by the wife shall be made, according to law, and which mortgage shall be valid to all intents and purposes, as if more formally drawn; and if the said mortgage should, at any time, become forfeited, either by failure to pay any part of the principal or interest of the said debt at the time specified, or by a breach of any of the conditions of the said bond, the President and Directors of the said Bank shall and may, after six months’ notice to the obligor, his heirs, executors, administrators or assigns, either personally served or published in one or more public gazettes in the City of Charleston, proceed to sell the property mortgaged, by auction, as hereinafter provided, for the best price that can be obtained for the same, which said sale shall be advertised for three weeks previously, in one or more of the public gazettes of the City of Charleston; and the moneys arising from such sale shall be applied by the President and Directors of the said Bank in satisfaction of the said bond, and any expenses arising from the said sale, any law, usage or custom to the contrary thereof, in anywise notwithstanding; and the purchaser at such sale, his heirs and assigns, shall be deemed to be seized of a good, and absolute, and legal estate, in fee simple, of the premises purchased, as against all persons whomsoever, their heirs and assigns, not claiming by or under a paramount title.

Further loans.

3. Whenever the amount first loaned shall have been expended in the erection of buildings as aforesaid, the said applicant, his heirs at law, legal representatives, or assigns, may make application for a further loan, whereupon the President and Directors of the said Bank shall cause the said Commissioners to ascertain and report whether the sum originally loaned has been applied as aforesaid, and upon the same being certified to the said President and Directors, they shall make to such applicant, his heirs at law, representatives and assigns, a further loan, equal in amount to one-half the appraised value of said lot, should so much be necessary to complete the improvements thereon, which said loan shall be taken upon the same terms, and subject to the same conditions, as the first; and a further loan shall be made, equal to one-half the value of the lot, should so much be required



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to complete the improvements thereon, whenever the said Commissioners shall certify to the President and Directors of the said Bank that the amount already loaned has been actually expended agreeably to the provisions of this law, and as soon as a good policy of insurance upon the property shall have been duly assigned to the Bank; and the said additional loans shall be taken subject to the same conditions, and shall be secured in the same manner, as the first. And in case any part of the said one million of dollars shall remain after making the said loans, the same may be lent to any applicant, or his heirs at law, representatives or assigns, for the purpose of completing his improvements, upon such securities as may be deemed satisfactory by the President and Directors of the said Bank.

4. The valuation of the lots upon which the said loans are to be made, and also the certificates of expenditures upon the buildings, shall be made by a Board of five Commissioners, two of whom shall be appointed in behalf of the State by the Bank, and two in behalf of the City by the City Council, and a fifth to be chosen by the other four; and in case any vacancy occur, it shall be filled by the same parties who had appointed to the place so become vacant; and the said Board, or a majority, (having been first duly sworn to the faithful discharge of their duty,) shall, in all cases where a loan is to be made or increased, certify their valuation to the Bank, and make such report of facts as may be necessary and proper to enable the said Bank to discharge its duty to all interests concerned.

5. In all cases where the value of the lot has been loaned, it shall be the duty of the borrower to cause insurance to be effected upon the buildings thereon, and to keep the same renewed, and to assign the policy to the Bank as collateral security; and in case the said borrower shall neglect so to do, the Bank shall cause insurance to be effected or renewed in behalf of the President and Directors of the said Bank, and shall demand from the said borrower the premium of insurance paid, and all expenses; and if the same are not paid within two months, then the bond given by such borrower shall be considered forfeited, and he shall forthwith be bound to pay up the whole of his debt, as though the instalments had all been made payable at such date of forfeiture, if the said Bank shall deem it expedient to require payment of the same; and in all cases where a policy of insurance is required by this Act, the Bank may accept in lieu thereof some other collateral security.

6. No loan shall be made upon any lot upon which there may be a wooden building, unless sufficient security be first given that the same shall be removed within one year from the passing of this Act.

7. The interest to be charged on the said loans shall be fixed at as low a rate as will cover the interest to be paid by the State, with the necessary

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charge of remittance; but the said rates shall, in no event, exceed eight per cent. per annum.

Single bonds.

8. The applicant for a loan may execute a single bond, with a penalty sufficient to cover all loans which may be made to him in virtue of the said Act, and a single mortgage to secure the said bond; and the said bond and mortgage shall be so framed by the Attorney General as to embrace all the loans which may be made under the said Act; and the mortgage so executed shall be deemed and taken as effectual to protect and secure all such loans as are within the amount of the penalty of the bond, in the same manner as though the whole amount which shall be subsequently loaned had been loaned at the date of the said bond and mortgage.

Abstract of title and title deeds unrecorded.

9. The applicants for the said loan shall be required to furnish the Bank only with an abstract of their title, and with such title deeds as may be in their possession not recorded. They shall not be required to furnish copies of any evidence or muniment of title or mesne conveyance, which has been recorded in the proper public office.

Policy of insurance.

10. The policy of insurance which shall be required from any applicant for a loan shall be deemed sufficient, if taken for such amount as it is customary for insurance offices within the State to take upon any single risk.

Loan, preliminary application for.

11. Preliminary applications for the said loan shall be received by the Bank from any applicant, setting forth the description and estimated cost of the building proposed to be erected, together with the situation and dimensions of the lot whereon the building is to be placed; and the President and Directors of the Bank, upon receiving such application, shall, even before information as to the condition of the title, direct the lot to be valued by the Commissioners appointed for that purpose; and the said Commissioners shall value the same, and certify their valuation in the manner provided by this Act; and the President and Directors of the Bank shall thereupon inform the applicant of the sum to which he will be entitled on complying with the provisions of the law; but no loan shall actually be made until the applicant shall fully have complied with the provisions of this Act.

Ordinance to guarantee State.

IV. Before the said loan is effected, the City of Charleston shall, by an ordinance to be duly ratified by the city authorities, guarantee the State against all loss to arise from loans to be made under the authority of this Act.

Lessee or tenant for life, loans may be made to.

V. The lessee or tenant for life of any lot or lands within the said District shall be allowed the benefit of the provisions of this Act, if the owner of the reversion or remainder join in the mortgage to secure the amount loaned, in such form as may be advised by the Attorney General

Mortgage a charge upon land.

VI. The mortgage executed by the applicant shall be a charge upon the land in favor of the said Bank and its assigns, from the date of its registry in the office of Mesne Conveyance, against all persons whomsoever;



and all mortgages shall be recorded, or lodged in the Register's office for record, by the applicants, before any money shall be paid by the Bank.

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VII. That the fees of each public officer who shall furnish certificates to be used in procuring the said loan, shall be, as is usual, twelve and a-half cents for searches through all their books for each name, and sixty-two and a-half cents for their certificate; but no public officer shall demand or receive from any applicant for the said loan more than two dollars for all searches, certificates and services, which may be made, given or rendered in his office for the said applicant upon any one application for a loan; and every public officer who shall demand or receive more than two dollars for all searches, certificates and services, inclusive, or who shall refuse to perform the usual duties of the office at the request of any such applicant, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, shall be subject to fine and imprisonment, at the discretion of the Court.

Fees and duty of officers.

VIII. That no charge shall be made against any applicant for a loan, by the Attorney General, for the bond and mortgage required to be taken by the Bank, nor for any other professional service rendered by him in the arrangements for a loan.

Bond and mortgage, no charge for.

IX. That any person owning a lot upon which a brick or stone building shall have been commenced since the fire of December, instant, shall be entitled to receive all the instalments of the loan which he could have claimed under this Act, if he had made application before the commencement of the work: *Provided*, he shall substantially comply with all the conditions required of an original applicant who shall have received the same number of instalments, and shall substantially give to the Bank security equal to that which would have been required of such original applicant.

Buildings commenced since the fire, loans to be made under Act.

X. *And whereas* the frequent visitations of the City of Charleston by fire, the destruction of property, and the loss of life occasioned thereby, admonish the State of the evil of permitting other than fire-proof buildings in the said city; *and whereas* the funds of this State herein authorized to be advanced on the security of buildings in the said city may be endangered, and no inducement is offered to individuals to erect fire-proof buildings so long as others are allowed to build in their immediate neighborhood of combustible materials; for remedy whereof, that hereafter it shall not be lawful to build, put, erect or construct, within the City of Charleston, any wooden or frame building or cornice, or to cover any building with a roof of combustible materials, except as now authorized by law. And all persons applying for loans under this Act shall be required, as one of the conditions of the loan, to have a cistern on each lot mortgaged for the said loan.

Fire-proof buildings.

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Instalments,  
default in pay-  
ment of, rem-  
edy for.

XI. Whenever default shall be made in the payment of any of the instalments of the principal sum of any of the said loans, or of the annual interest, premium of insurance, taxes, or incidental expenses, aforesaid, at the times respectively limited and appointed by this Act, it shall be the duty of the President and Directors of the Bank of the State of South Carolina to cause the property mortgaged to secure the payment of any such loan to be sold for the satisfaction of the entire debt, as herein provided, and shall execute conveyance thereof to the purchaser. But such sale shall not be made for cash, but for such portion of the price for which the same may be sold as may be equal to the amount then actually due on the said loan to be paid in cash, and for such credit as to the residue as the debtor would have been entitled unto for the residue of the debt, if the part thereof then past due had been actually paid, and the purchaser at a sale of property so made, shall give bond and mortgage, as provided for in this Act, and he shall be subject to the provisions of this Act in relation to the enforcement of payments, and the said President and Directors may require personal or other further security, if they consider the same expedient.

Mortgages,  
blank forms to  
be provided.

XII. That the Commissioners of Public Buildings for Charleston District shall provide one or more volumes of blank forms of the mortgage prescribed by this Act, to be furnished the Register of Mesne Conveyances for said District, in which the mortgages taken under this Act shall be recorded; and the fee for recording such mortgages shall be one-half the rates now allowed by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4578. AN ACT TO INCORPORATE THE INSURANCE AND TRUST COMPANY OF CHARLESTON, AND THE CALHOUN INSURANCE COMPANY.

Name.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall become stockholders, in the manner hereinafter prescribed, shall thereupon become, and they and their successors and assigns shall be,

a body politic and corporate, under the name, style and title of "The Insurance and Trust Company of Charleston."

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II. The capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be raised in the following manner: The following persons are hereby appointed Commissioners to receive subscriptions, to wit: Charles Kerrison, Joseph Prevost, and Samuel H. Mortimer; and said Commissioners, or a majority of them, shall, on the thirtieth day of December, instant, and the day following, from ten o'clock of the forenoon until two o'clock of the afternoon, of each day, at such place in Charleston as they shall appoint, receive subscriptions to the capital stock of the said company, from all persons offering to subscribe thereunto, and paying, at the time of subscribing, five dollars for each share subscribed by them, respectively—payment thereof to be made in specie, or in the bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the City of Charleston, or in Confederate Treasury Notes, or other good and valid securities within the Confederate States—the stocks, bonds and securities so taken, to be estimated by the Commissioners at the market value thereof, at the time of subscribing: *Provided*, That the said Commissioners shall give at least five days' notice, by advertisement in the daily papers of the City of Charleston: *And provided*, That should a larger sum than two hundred thousand dollars be subscribed, then the amount so subscribed shall be the capital stock of the company, with the privilege of being increased as above provided.

Capital Stock,  
amount of.Commissioners  
to receive sub-  
scriptions, time  
and mode.

III. That if more than five hundred thousand dollars shall be subscribed, the Commissioners shall distribute the shares of which the capital stock of the said company is to consist, among the subscribers, as nearly as may be in proportion to the number of shares subscribed by them respectively: *Provided, always*, That no subscription for not more than five shares shall be reduced, unless the whole number of shares subscribed cannot be otherwise reduced to five hundred thousand dollars.

Distribution of  
shares, if sub-  
scriptions are  
in excess.

IV. That in case the number of shares subscribed on the two days hereinbefore appointed for receiving subscriptions, shall be less than two hundred thousand dollars, the Commissioners shall continue to receive, at any time within the ten days next ensuing, further subscriptions, not exceeding such number of shares as, with those already subscribed, shall make up the amount of five hundred thousand dollars, due public notice thereof having been previously given, as hereinbefore provided.

Additional sub-  
scriptions, if  
under.

V. That the said company, under its said name, shall have perpetual succession of officers and members, and all the powers, privileges and franchises incident to a corporation, and shall be capable of taking, hold-

Corporate fran-  
chises—liabil-  
ities.



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ing, and disposing of their capital stock, according to such rules, regulations and institutions, as they may, from time to time, establish; and also of taking, holding, disposing of or investing, as the said corporation shall, from time to time, judge fit, the increase, profit and emolument of their said capital stock, to their own proper use; shall have full power and authority to make, have and use a common seal, and with such device and inscription as they shall deem proper, and the same to break, alter and renew, at their pleasure; and by the name, title and style aforesaid, shall be able and capable, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all or in any of the courts or tribunals of this State, in all manner of suits, pleas and demands whatsoever; and they are hereby authorized and empowered to appoint a President and other officers and Directors, in such numbers, at such periods, and with such duties, as they shall see fit; and also to make rules, by-laws and ordinances, and to do every thing needful for the good government and support of the affairs of the said corporation: *Provided, always,* That the said rules, by-laws and ordinances, shall not be repugnant to the Constitution and laws of this State, or of the Confederate States.

Real estate,  
right to acquire.

VI. That the said corporation shall have a right and power to purchase, acquire, take, and hold, in their corporate name, lands and real estate, and the same to demise, grant, sell, assign and convey, in fee simple or otherwise: *Provided,* The clear yearly income of the real estate, so to be held, shall not, at any time, exceed ten thousand dollars.

General  
Powers.

VII. That the said corporation shall have a right and power, by their said name, and by the signature of their President for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity as they shall from time to time, in and by their rules and by-laws, ordain and appoint, to make contracts, and underwrite policies of assurance and indemnity upon marine risks, whether of vessels, or of goods and merchandise, in whole or in part foreign and domestic, whether lying in foreign ports, or shipped upon the high seas, or in any ports of the Confederate States, or within any of the rivers, bays, creeks, canals, or waters of this State, lying, or being, or laden; and also, in like manner, to make contracts and underwrite policies of insurance and indemnity against fire on all buildings, goods, wares, merchandise, and other property liable to destruction or accident by or from fire, or the effects thereof, situate, lying, being or deposited in this State or elsewhere; to lend or advance money upon bottomry or respondentia; to make insurance on lives; to grant and purchase annuities; to make any other contingent contracts, involving the interest of money and the duration of life; to receive money on deposit, allowing such rate of interest for the same as may be agreed on, not exceeding the legal rate of interest; to lend money on the security of real

or personal property, bonds, bills, or promissory notes; and generally to transact and perform all the business relating to the objects aforesaid, according to the usage and custom of merchants, and by such contracts effectually to bind and pledge their said capital stock: *Provided*, That it shall not be lawful for the said company to lend money on the security of their own stock: *Provided, also*, That the total amount of the moneys so received on deposit, or of the promissory notes and bills of exchange in the possession of the said company, shall not, at any one time, exceed one-half its capital actually paid in: *And provided, also*, That the amount to the credit of any one depositor shall at no time exceed the sum of twenty thousand dollars: *Provided, also*, That in case of the failure of the company, each stockholder, copartnership and corporation, having a share or shares therein at the time of failure, or at any time within six months previous to such failure, shall be held individually liable and bound, to double the amount of the shares held by them, respectively, for the payment of all such sums as shall have been received by the company on deposit.

A. D. 1861.

VIII. That it shall be lawful for the Court of Chancery, or any other Court, to cause any money in the custody or under the direction of the Court, belonging to infants or lunatics, or other persons, to be deposited with the said company; and it shall also be lawful for any Court to appoint the said company receiver, in cases in which a receiver is necessary; and the said company, as such depository or receiver, shall allow an interest of not less than four per cent. on all sums so deposited or received, until the same shall be duly disbursed, without any charge for receiving or paying the same: *Provided*, That nothing herein contained shall be considered as enjoining on the said Court, but only as permitting such deposit or appointment.

Receiver.  
Courts may  
appoint the  
Company.

IX. That the said corporation shall be, and they are hereby, invested with full power to enforce upon their members the due observance of all laws, rules and regulations, for their better government, under such penalties as they shall, in and by such by-laws, limit and prescribe; and to that end, if need be, shall and may institute and maintain, in their said corporate name, against any one or more of their members, either at law or in equity, all just and necessary suits, actions and pleas, for the recovery of all and any sum and sums of money, to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the said corporation; any law, usage or custom to the contrary thereof, in any wise notwithstanding.

Powers over  
members.

X. That in all elections, and other corporate acts done by the stockholders of the said company, every stockholder, being the owner of five

Votes propor-  
tioned to  
shares.



A. D. 1861.

shares, shall have one vote; and for every additional ten shares, one vote :  
*Provided*, That no stockholder shall be entitled to more than forty votes.

Business, com-  
mencement of.

XI. Whenever one-fourth of the capital of the said company shall have been paid in, and satisfactory proof thereof shall have been furnished to the Comptroller General, the said company shall be authorized to commence business.

Invested, one-  
third capital  
to be.

XII. That at least one-third of the capital of the said company shall be permanently invested in stocks or bonds of this State, of the Confederate States, or of the City of Charleston, or in any other good stocks or bonds of incorporate companies within the State; and the company may transfer and sell said stocks or bonds, or any part thereof, for the purpose of re-investment, whenever a due regard to the safety of its funds may require :  
*Provided, however*, That the company shall not deal or trade in buying or selling any goods, wares, merchandise, stocks or commodities whatever.

Books may be  
examined by  
Legislature.

XIII. That the books of the said company shall be examined, from time to time, by such person or persons as the Legislature may, for that purpose, appoint; and the persons so appointed shall have full power to examine upon oath, to compel the attendance of witnesses and the production of papers, and inquire into the management of the company; and in cases of mismanagement, or violation of their charter, the said company may be proceeded against by *scire facias*, in the Court of Common Pleas and General Sessions for Charleston District, and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Remaining  
instalments.

XIV. The Board of Directors of the said company are hereby empowered to call in the remaining instalments on the shares of the capital stock, in such sums, and at such times, as they may deem advisable : *Provided*, Two weeks' notice be given of each call. And the said instalments shall be payable in the same medium as heretofore provided as to the first instalments of five dollars.

Calhoun  
Insurance  
Company.

XV. That the persons and bodies coporate who shall become stockholders, in the manner hereinafter prescribed, and their successors, shall be a body politic and corporate, under the name, style and title of "The Calhoun Insurance Company of Charleston."

Capital Stock.

XVI. The capital stock of said Company shall be two hundred thousand dollars, to be divided into eight thousand shares, of twenty-five dollars each, and shall be raised in the following manner: The following persons are hereby appointed Commissioners to receive subscriptions to the capital stock, to wit: Samuel Y. Tupper, William Kirkwood, John S. Riggs, George M. Coffin, and C. D. Barbot. The said Commissioners, or a majority of them, shall open books at such places in Charleston as they shall appoint, on the thirtieth day of December, instant, from nine o'clock of the forenoon until five o'clock of the afternoon, and receive subscriptions to the said stock :

Books to be  
opened.

*Provided*, The said Commissioners shall have given at least one day's notice, by advertisement in two daily gazettes in the City of Charleston, of the time and place of receiving the subscriptions, and shall require a payment of five dollars on each share to be made at the time of subscription therefor—payment thereof to be made in the bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the City of Charleston, or in Confederate Treasury Notes, or other good and valid securities within the Confederate States—the stocks or bonds to be estimated at the market value by the Commissioners.

A. D. 1861.

XVII. That subscribers paying their subscription money, respectively, shall form the company, upon complying with the conditions, and subject to the provisions, hereinafter set forth.

XVIII. That if at the opening of the books more than eight thousand shares shall be subscribed, the Commissioners shall distribute the eight thousand shares of which the capital stock is to consist among the subscribers, as nearly as may be in proportion to the number of shares subscribed for by them, respectively, but subscriptions of twenty shares or less shall not be reduced, unless the whole number of shares subscribed for cannot otherwise be reduced to eight thousand.

Distribution of shares, if in excess.

XIX. That in case the number of shares subscribed shall be less than eight thousand, the Commissioners shall receive further subscriptions to make up that number at any time within one year after the first opening of the books.

Further subscriptions, if less than 8,000.

XX. That the said company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises incident to a corporation, and shall be capable of taking, holding and disposing of their capital stock, according to such rules and regulations as they shall, from time to time, establish, and also of taking, holding, disposing of or investing the increase, profits, or emoluments, of their said capital stock; and shall have full power and authority to have and use a common seal, and the same to alter and renew at their pleasure; and by the name and title aforementioned shall be able and capable, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all manner of suits, pleas, demands and judicial proceedings whatsoever. And they are authorized and empowered to appoint a President, Directors, and other necessary officers, at such periods, and with such duties, as the said company shall see fit, and also to make rules and by-laws for the good government and management of the officers of the corporation: *Provided*, The said rules and by-laws shall not be repugnant to the Constitution and Laws of this State and of the Confederate States.

Franchises.

XXI. That the said corporation shall have right and power to acquire, purchase, take, and hold, in its corporate name, lands and real estate, and

Real estate, may be acquired.

A. D. 1861.

the same to demise, grant, sell, assign, exchange and convey, in fee simple or otherwise: *Provided*, The clear yearly income of the real estate so to be held shall not at any time exceed ten thousand dollars.

Corporate privileges.

XXII. That the said company is hereby authorized and empowered to make contracts and underwrite policies of assurance and indemnity against fire on buildings, goods, wares, merchandise, shipping, and other property, situate, lying, being, or deposited in this State, or elsewhere, as well as in the City of Charleston; and also to make contracts and underwrite policies of assurance and indemnity upon marine risks, whether of vessels or of goods, merchandise or chattels, in whole or in part foreign and domestic, whether upon the high seas, or in foreign ports, or in ports of the Confederate States, or within any of the rivers, bays, creeks, canals, or waters of this or any other State or country; and also to lend or advance money upon bottomry or respondentia.

Dividends, restrictions on.

XXIII. That in case of any loss, whereby less than one-third of the capital stock of the said company shall be lost, during the continuance of this charter, no dividend shall thereafter be made until the deficiency shall be made up by the stockholders, or the company, or by the accumulation of the profits of its business.

Lost capital to be made up, or corporation liquidate.

XXIV. That if the capital of the company be reduced by losses to less than two-thirds of the original capital stock, the deficiency shall be made up by the stockholders, in six months after such reduction shall occur, and in default thereof, the affairs of the corporation shall be wound up, and they shall cease to do business.

Officers individually liable, in what case.

XXV. That if the affairs of the corporation are not wound up, as directed in the preceding section, and they proceed with business, then the President and Directors shall be jointly, and severally liable to make good all engagements of the company, entered into after the reduction of the capital; but nothing in this section shall extend to any President or Director who shall dissent to the proceedings of the company in these particulars, and who shall enter his protest in the minutes of the Board, and publish the same in the daily gazettes of the City of Charleston, or who shall be absent from the State during the six months in which the deficiency of capital ought to have been made up.

Powers over members.

XXVI. That the said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the affairs of the company, under such penalties as in and by the said rules and by-laws shall be limited and appointed, and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions and pleas, either at law or in equity, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample



a manner as such suits might be maintained against persons not members of the corporation.

A. D. 1861.

XXVII. That in all elections and other corporate acts done by the stockholders of the said company, every stockholder shall be entitled to one vote for each share owned by him or her, or standing in his or her name: *Provided*, That no stockholder shall be entitled to more than forty votes.

Vote proportioned to shares.

XXVIII. That one-fourth of the capital of the company shall be paid in, and satisfactory proof thereof be furnished to the Comptroller General, before the said company shall be authorized to commence business; and the residue of the capital shall be paid in at such times, and in such manner, as the company may appoint: *Provided*, The whole shall be paid within one year after they shall have commenced business.

Business, commencement of.

XXIX. That the books of the company shall be examined, from time to time, by such person or persons as the Legislature may, for that purpose, appoint; and the persons so appointed shall have full power to compel the attendance of witnesses and the production of books and papers, and to inquire into the management of the company. In case of abuse or violation of their charter, the said company may be proceeded against by *scire facias*, in the Court of Common Pleas and General Sessions for Charleston District; and upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Books may be examined by Legislature.

XXX. That at least half of the capital of the said company shall be permanently invested in stock of this State, or of the City of Charleston, or of the Confederate States, or in good stocks of incorporated companies within this State, or in bonds secured by mortgage of real estate within the State; and the company may transfer and sell such stocks, or any part thereof, or dispose of or collect the said bonds, for the purpose of reinvestment, whenever a due regard to the safety of its funds may require: *Provided, however*, That the said company shall not deal or trade in buying and selling any goods, wares, merchandise, commodities or stocks, whatsoever.

Invested, half of capital to be.

XXXI. That no dividend upon the capital of the company shall be declared exceeding twelve per cent.; any excess of profits above said per centage shall be carried to a surplus fund, to meet losses and equalize dividends. In case the profits fall below the per centage above specified, the dividends may be increased to that rate from the surplus fund. The interest upon the investment of said surplus fund may, however, be at all times added to the dividend, and distributed among the stockholders.

Dividends.

XXXII. The Board of Directors are hereby empowered to call in the remaining instalments on the shares of the capital stock, in such sums and at such times as they may deem advisable: *Provided*, Two weeks' notice

Remaining instalments.



A. D. 1861.            be given of each call; and the said instalments shall be payable in the same medium as hereinbefore provided as to the first instalment of five dollars.

XXXIII. That this Act shall be deemed a public Act, and the charters hereby granted shall continue and be in force for twenty years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*

No. 4579. AN ACT IN REFERENCE TO THE SUSPENSION OF SPECIE PAYMENTS BY THE BANKS OF THIS STATE, AND FOR OTHER PURPOSES.

Acts of Assembly, suspension of certain.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the operation of the third section of an Act entitled "An Act for the suspension of certain sections of certain Acts, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-seven, as amended by the sixth section of an Act entitled "An Act to regulate the mode of electing Directors of the Bank of the State of South Carolina, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-eight, be, and the same is hereby, postponed until the first day of January, in the year of our Lord one thousand eight hundred and sixty-three.

II. That the second section of an Act entitled "An Act to provide against the suspension of specie payments by the Banks of this State," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, be, and the same is hereby, suspended until the first day of January which will be in the year one thousand eight hundred and sixty-three.

III. That the fifth section of an Act entitled "An act to re-charter the Planters and Mechanics Bank of South Carolina; the Union Bank of South Carolina; the Commercial Bank of Columbia, South Carolina, and to incorporate the Exchange Bank of Columbia; the Farmers and Exchange Bank, and the People's Bank of Charleston; the Bank of Newberry; the Bank of Chester; the Bank of Sumterville; the Planters Bank of Fairfield, and the

Western Bank of South Carolina, at Anderson," passed the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and all sections of other Acts containing the like provisions, be, and the same are hereby, suspended until the first day of January which will be in the year of our Lord one thousand eight hundred and sixty-three.

A. D. 1861.

IV. That in case any of the Banks of this State shall be compelled, by any exigency arising out of the existing war, to close any of their offices in any of the places in which they are now established by law, that then and in such case, the said Banks be, and the same are hereby, authorized to establish their respective offices and transact their business, during the continuance of the said exigency, in any other suitable place or places within the State, as their respective Boards of Directors may determine; and the said Boards of Directors shall judge of the existence and continuance of the exigency aforesaid.

Banks may  
change office  
location.

V. That the bills or notes, and all other money engagements of any of the said Banks which may be compelled to close their present offices or places of business, and establish them elsewhere, as aforesaid, be, and the same are hereby, made payable at their respective new places of business; and all bills, drafts, notes and other negotiable paper, held by the said Banks and made payable at their old places of business, may be presented for acceptance or payment, and protested for non-acceptance or non-payment, at their new places of business, in the same manner, and with the same legal effect, as to demand on drawer and maker, and notice to endorsers, as if the said bills, drafts, notes, or other negotiable paper, had been made payable at their said new places of business.

Bills, &c., made  
payable at new  
location.

VI. That the said Boards of Directors be, and are hereby, authorized and empowered to make all needful rules and regulations to carry the provisions of this Act into full and complete effect, according to the true intent and meaning thereof.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

A. D. 1861.

## AN ACT TO INCORPORATE THE TRENHOLM MUTUAL INSURANCE COMPANY.

No. 4580.

Name. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners hereinafter named, with such other persons as shall become stockholders, in the manner hereinafter prescribed, and their successors, shall be a body politic and corporate, by the name and style of the Trenholm Mutual Insurance Company.

Capital Stock. II. That the capital stock of the said Company shall be two hundred thousand dollars, which shall be divided into eight thousand shares of twenty-five dollars each, with the right to increase the same six hundred thousand dollars more, in script capital. The following persons shall be, and are

Commissioners. hereby, appointed Commissioners to receive subscriptions, to wit: John S. Riggs, A. S. J. Perry, Simons Lucas, Jr., Abbott B. White, and George Lamb Buist. The said Commissioners, or a majority of them, shall, at Charleston, on the second Monday in February next, from nine o'clock in the forenoon until five o'clock in the afternoon, at such place as they shall appoint, open books and receive subscriptions to the capital stock of said Company: *Provided*, The said Commissioners shall have given at least ten days' notice, by advertisement in two daily gazettes in the City of Charleston, of the time and place of receiving the subscriptions, and shall require payment of five dollars on each share to be made at the time of receiving the subscription—the said payment to be made in specie, or in the bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the City of Charleston, or in Confederate Treasury Notes, or in other good and valid securities within the Confederate States—the stocks and bonds and securities so taken to be estimated by the Commissioners at the market value thereof at the time of subscribing.

Books to be opened.

Corporate powers.

III. That for the organization and administration of the Trenholm Mutual Insurance Company, hereby created, the said Company is invested with all the powers, privileges and immunities, and subjected to all the duties, restrictions and liabilities, conferred and imposed on the Elmore Mutual Insurance Company by an Act entitled "An Act to incorporate the Elmore Mutual Insurance Company, to be located in the City of Charleston," ratified on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and the charter of the "Elmore Mutual Insurance Company" is hereby made the charter of "The Trenholm Mutual Insurance Company," so far as the same is applicable, consistent with the modifications hereinbefore provided.

Books, power to postpone opening of.

IV. In case the said Commissioners hereinbefore named, or a majority of them, shall deem it advisable and proper to postpone opening the books of

subscription for the capital stock of the said company on the second Monday of February next, they shall be authorized to do so; and in that event, they are empowered to open them on any day before the first Monday in October next, which they may determine on, after giving two weeks' notice, in two of the public gazettes of the City of Charleston, of the time and place.

A. D. 1861.

V. That this Act shall be deemed and taken to be a public Act, and continue in force for the term of twenty-one years.

VI. The Board of Directors of the said company are hereby empowered to call in the remaining instalments on the shares of the capital stock, in such sums, and at such times, as they may deem advisable, to be paid in the medium above provided for: *Provided*, Two weeks' public notice be given of each call.

Remaining  
instalments.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO CHARTER A COTTON PLANTERS' LOAN ASSOCIATION. No. 4581.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the citizens of this State to form one Cotton Loan Association in each Congressional District in this State, as now constituted by law, in the following manner, that is to say: Whenever it is desired to form any such association, public notice thereof shall be given, by advertisement, by the Comptroller General, at the instance of at least thirty planters pledged to subscribe at least one thousand bales of cotton, at one Court House at least in each Congressional District, in which the office of such association is to be located, and in some gazette in Charleston and Columbia, for the space of two weeks, which notice shall specify the number of pounds of cotton to be subscribed, not less than two thousand nor more than ten thousand bales, averaging four hundred pounds each, and a copy thereof be filed in the Executive Office of this State. At the expiration of the time of advertisement, books for subscription of cotton shall be opened

Cotton Loan  
Association,  
mode of  
forming.]



A. D. 1861.

at such times and places, and under the direction of such Commissioners, or a majority of them, as shall be designated by the Governor. In case of under subscription, the Commissioners shall report the fact to the Governor, who may authorize the reopening of the books, at such further times and places as he may appoint. In case of over subscription, they shall reduce the same ratably among the subscribers, except that no subscription of twenty-five hundred pounds of cotton, or under, shall in the first instance be reduced. In all cases, a report of their proceedings shall be transmitted to the Governor. As soon as the requisite number of pounds of cotton shall be subscribed, such of the Commissioners as may be designated shall appoint a convenient time and place for the meeting of the subscribers, and cause the same to be advertised for a reasonable time. At the time and place so appointed, the subscribers may appear, in person or by proxy, and the meeting having assembled, with the majority of the amount subscribed represented, of which a proper registry shall be made, the subscribers shall vote for six Directors, to serve for one year, and until a new election shall be had, in which election each subscriber shall be entitled to one vote for every twenty-five hundred pounds of cotton subscribed; and the Directors so elected shall proceed forthwith to select one of their number as President, and shall also elect a Treasurer. The President and Directors shall immediately prepare, under their hands and seals, a statement of their election, of the number of pounds of cotton subscribed, and the corporate name which they desire to assume for the company, and shall transmit the same to the office of the Secretary of State, either in Charleston or Columbia, for registry. Upon receipt of such statement, the Secretary of State shall issue his certificate, under the seal of the State, testifying that the provisions of this Act have therein been complied with; and upon the signature of the certificate by the Governor, the company shall be considered as formed, and an Act of incorporation shall immediately attach. Every association incorporated by virtue of this Act shall have perpetual succession of officers and members, and be capable, in their corporate name, to sue and be sued, answer and be answered, plead and be impleaded, in all the courts of this State. They may have a common seal, and the same may alter at pleasure; may elect, in such manner as they shall determine to be proper, all necessary officers, whose election is not herein otherwise provided for, fix their compensation and define their duties and obligations; to make by-laws and regulations, not inconsistent with the laws of this State, for their own government, and for the due and orderly conducting of their affairs.

Charter, duration of.

II. That every company formed under the provisions of this Act shall continue as a chartered company until the first day of January, one thousand eight hundred and sixty-five: *Provided*, That no company shall be formed after the removal of the blockade.

III. That every association formed under this Act shall, before they are entitled to any of the privileges hereinafter granted, deposit in the office of the Comptroller General such policies of insurance on the cotton so subscribed, as shall be approved by the Comptroller General, and at the expiration of such policies, if such policies are not renewed within one week, it shall be the duty of the Comptroller General forthwith to report that fact to the Governor, who shall forthwith issue his proclamation, declaring the charter of such association forfeited.

A. D. 1861.  
 Privileges of Act, on what terms secured.

IV. That whenever any association shall have complied with all the foregoing provisions of this Act, such association shall have power to issue bills or notes, of any denomination not less than five dollars, to be signed by the President and countersigned by the Treasurer, (which shall be receivable in payment of taxes and other dues to the State): *Provided*, That the said notes shall not be taken in payment of the war tax of the Confederate States, unless the President of the Bank of the State and the Treasurer of the Lower Division shall be able to make it a condition of the loan to be made in relief of said tax, that the said notes will be received in payment of said loan: *Provided, however*, That the whole amount of such bills and notes shall in no case exceed the amount of six dollars for every hundred short, and fifteen dollars for every hundred pounds of long cotton, ginned and baled, so subscribed; and shall be allowed to discount bills of exchange, at a rate of interest not exceeding six per centum per annum, and loan said bills or notes, so authorized to be issued, at the same rate of interest; and all said bills shall be redeemable in gold and silver, six months after the blockade of our coast is removed; and the President and Directors of each and every association formed under this Act shall be authorized and empowered to sell the cotton subscribed to such association at any time six months after said blockade is removed.

Bills or notes, Associations may issue.

V. That the bills or notes which may be issued by the order of any such association, signed by the President and countersigned by the Treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said association, shall be binding and obligatory upon such association, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them in his or their private capacity, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Bills or notes, obligatory as promissory notes.

VI. That dividends shall be made at least twice in each year by the said associations, of so much of the profits of said associations as shall appear to the Directors advisable; and once in every year the Directors shall lay before the subscribers, at a general meeting, for their information, a full statement of the affairs of said association; and the President and Treas-

Dividends.

A. D. 1861.

urer shall, on the first of every month, transmit a statement, sworn to by them, showing the amount of cotton on hand, the amount of bills and notes issued and in circulation, and the amount of loans and discounts made by such association; and in case such report shall not be made for two consecutive months, as herein required, it shall be the duty of the Comptroller General to report that fact to the Governor, who shall forthwith issue his proclamation, declaring the charter of such association forfeited.

Failure of Association, liability in case of.

VII. That in case of the failure of any association formed under this Act, each subscriber shall be liable and held bound, individually, for any sum not exceeding twice the value of the cotton subscribed by him, to be fixed by the Court before which such subscriber shall be sued, relation being had to the time of such failure.

Assets, on dissolution, to be held for shareholders.

VIII. That any real estate, bills and notes, moneys, profits, or other property whatever, which may, on the dissolution of said association, be owned or possessed by it, shall be held by the Directors of said association for the use and benefit of all persons holding shares in said association, at the time of its dissolution, and their legal assigns and representatives, in average and proportion to the amount of said shares.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4582. AN ACT TO INCORPORATE THE MUTUAL FIRE INSURANCE COMPANY OF COLUMBIA.

Name.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners hereinafter named, with such other persons as are now, or may hereafter become, members in the manner hereafter named, and their successors, shall be a body corporate and politic, under and by the name, style and title of the Mutual Fire Insurance Company of Columbia.

Capital Stock.

II. The capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into six thousand shares of twenty-five dollars, with the right to increase the same to five hundred thousand dollars,

in script capital, in the manner and under the terms hereinafter prescribed. The following persons are appointed, to wit: Andrew Wallace, Edwin J. Scott, Andrew Crawford, John H. Pearson, Jacob Lyons, R. L. Bryan, and R. D. Senn. The said Commissioners, or a majority of them, shall open books at Columbia, on the first Monday of February next, and receive subscriptions to the said stock: *Provided*, The said Commissioners shall have given at least ten days' notice, by advertisement in two daily gazettes in the City of Columbia, of the time and place of receiving the subscriptions, and shall require payment of five dollars—payment thereof, and of all subsequent instalments, to be made in specie, or in bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the City of Columbia, or in Confederate Treasury Notes, or other good and valid securities within the Confederate States—the stocks, bonds and securities so taken to be estimated by the Commissioners at the market value thereof at the time of subscribing, on each share to be made at the time of receiving the subscription.

A. D. 1861.  
Commissioners.

Books to be opened.

III. The subscribers paying their subscription money, respectively, shall form the company, upon complying with the conditions, and being subject to the provisions, hereinafter set forth.

Company, subscribers to form the.

IV. If at the opening of the said books more than six thousand shares be subscribed, the Commissioners shall distribute the six thousand shares of which the said capital stock is to consist, among the subscribers, as nearly as may be in proportion to the number of shares subscribed by them, respectively, but subscriptions of ten shares or less shall not be reduced, unless the whole number of shares subscribed cannot be otherwise reduced.

Shares, distribution in case of excess of.

V. In case the number of shares subscribed shall be less than six thousand, the Commissioners shall receive further subscriptions, to make up that number, at any time within one year from the date of opening the books.

Shares, further subscriptions if less than 6,000.

VI. That the said Company shall have succession of officers and members, under its corporate name, and all the powers, privileges and franchises, incident to corporations, and shall be capable of taking, holding and disposing of their capital stock, according to such rules and regulations as they shall, from time to time, establish, and also of taking, holding, disposing of or investing the increase, profit or emolument of the said capital stock; and shall have full power and authority to have and use a common seal, and the same to alter and renew at their pleasure, and by the name and title aforementioned shall be able, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all manner of suits, pleas, demurrers, demands, and judicial proceedings. And they are authorized and empowered to appoint a President, and Directors and Trustees, establish agencies and other necessary officers, at such periods, and with such duties, as the said company may see fit, and also make rules and by-laws

Corporate franchises.



A. D. 1861.

for the good government and management of the affairs of the corporation : *Provided*, The said rules and by-laws shall not be repugnant to the Constitution and laws of this State and of the Confederate States.

Real estate,  
may hold.

VII. The said corporation shall have the right and power to acquire, purchase, take and hold, in its corporate name, lands and real estate, and the same to grant, sell, assign, exchange and convey, in fee simple or otherwise : *Provided*, The clear yearly income of the real estate so to be held shall not, at any time, exceed the sum of ten thousand dollars.

General  
powers.

VIII. The said corporation, in their name, and by the signature of the President for the time being, or by the signature of such other person, and in such form, and with such ceremonies, as they in their rules and by-laws direct, to make contracts and underwrite policies of insurance and indemnity against loss by fire, in the same manner as is now granted to the "Firemen's Insurance Company of Charleston," with the same rights, privileges and obligations, and subject to the same liabilities, as have been granted to the said "Firemen's Insurance Company of Charleston," except as to the power to take marine risks.

Dividends, re-  
strictions on,  
in case of lost  
capital.

IX. In case of losses whereby less than one-third of the original cash capital is lost, no dividends shall be declared until the deficiency is made up by the stockholders, or by accumulated profits, and if said original capital is reduced to less than two-thirds, if the said deficiency is not made up within six months, the company to be wound up and cease to do business. If not so wound up, and the company proceed to do business, the President and Directors, jointly and severally, shall be liable to make good all engagements entered into after the last-mentioned reduction of capital : *Provided*, That the President or any Directors who shall enter his or their protest in the minutes of the Board, and publish their protest in the daily gazettes of the City of Columbia, or who shall be absent from Columbia during the six months when the deficiency ought to be made up, shall not be so liable.

Power over  
members.

X. The said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the affairs of the company, under such penalties as in and by the said rules and by-laws shall be limited and appointed; and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions or pleas, either at law or in equity, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample a manner as such suits, actions or pleas may or might be maintained against persons who are not members of the corporation.

Votes propor-  
tioned to stock.

XI. In all elections, and other corporate acts done by the stockholders of said company, every stockholder, being the owner of more than five shares, shall have one vote for every five shares, between five and fifty

shares, and an additional vote for every ten shares over fifty shares; but no stockholder shall be entitled to more than fifty votes.

A. D. 1861.

XII. One moiety of the capital of the company shall be paid in, and satisfactory proof thereof be furnished to the Comptroller General, before the said company shall be authorized to commence business, and the residue of said capital to be paid in at such times, and in such manner, as the company may appoint: *Provided*, The whole shall be paid within one year after they commence business.

Business, when company may commence.

XIII. The books of the company shall be examined, from time to time, by such person or persons as the Legislature may, from time to time, appoint for that purpose, and persons so appointed shall have full power to compel the attendance of witnesses and the production of books and papers, and inquire into the management of the company. In case of abuse or violation of their charter, they may be proceeded against by *scire facias*, in the Court of Common Pleas and General Sessions, and upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Books, Legislature reserves authority to examine the.

XIV. At least one-half of the capital of said company shall be permanently invested in stocks of this State, of the city of Columbia, or of the Confederate States, or in good stocks of incorporated companies within the State, or in bonds, secured by mortgage of real estate within this State; and the company may transfer and sell such stocks, or any part thereof, or dispose of or collect the said bonds, for the purpose of reinvestment, whenever a due regard for the safety of its funds may require: *Provided, however*, That the said company shall not deal or trade in buying and selling any goods, wares, merchandise or stocks whatever.

Capital, proportion to be invested.

XV. All the profits arising from the premiums received, and from the income and interest of the company's investments, (after deducting the amounts hereinafter directed to be paid,) shall be invested in the same manner, and subject to the same restrictions, as directed and limited in the investment of the cash capital, until the accumulations shall amount to five hundred thousand dollars, represented by script, as hereinafter provided to be issued.

Profits, proportion to be invested.

XVI. The officers of said company shall, within one month of the expiration of each fiscal year, cause an estimate to be made, as near as possible, of the profits of said company during the preceding year, in which estimate the losses and expenses of the company for the year shall be deducted from the earnings of the company, and the income of its capital and invested accumulation during the same; the balance shall be deemed profits for such year. This estimate shall be binding and conclusive upon all persons, as well stockholders as those entitled to receive certificates of profits, as hereinafter mentioned. After applying, from these profits, sufficient to cover the payment of seven per cent. interest to the stockholders, and the stipulated

Profits, annual estimates of, to be made.

A. D. 1861.

interest on all outstanding script of the company, twenty-five per cent. of the residue of the profits shall be paid in cash to the stockholders, as a dividend upon their stock, and the remainder thereof, to wit: seventy-five per cent., shall be apportioned among the customers of the company for said year, and the script shall be issued therefor, as provided in the next section.

Credits to payers of premiums, in what cases to be made, with script evidence.

XVII. There shall, annually, at the time of the ascertainment of profits, as aforesaid, be credited on the books of said company to each person or firm who shall have paid any premiums to said company, on risks terminating without loss or any claim against said company, which shall have been earned during the preceding year, such portion of said seventy-five per cent. of profits ascertained, as aforesaid, as the amount of such earned premiums (and not returned) by such person or firm, shall be of the whole amount of premiums earned by the company—(less return premiums)—on risks terminating without loss or claim, as aforesaid; and thereupon the said company shall issue to such person or firms, respectively, certificates, declaring him or them, or his or their assigns, to be entitled to his or their portion of the invested funds of said company, equal to the amount so credited to him or them on the books of the company, and also to the receipt, annually, out of the interests or income derived by said company from the investments of said profits, of an interest not exceeding six per cent.; and said certificate shall also contain a proviso that the amount named therein is liable for any future losses of said company, as provided in this charter; but no person or firm shall be credited, or receive a certificate for a share of profits not less than five dollars, nor for any fractional excess over even fives of dollars; and all such fractional excesses over even fives of dollars, shall be carried to the contingent fund of said company, and applied on account of charges and expenses.

Script fund liable for losses.

XVIII. The fund represented by the script issued shall constitute a surplus or reserve of said company for the security and payment of losses, and be liable for any excess of losses and expenses above the earned premiums of any year, each later annual issue of script always to be first reduced, or wholly cancelled, before any previous annual issue is at all reduced, and all the issues of script be liable to reduction and cancellation before the capital stock shall be encroached upon.

XIX. This Act shall be deemed a public Act, and the charter hereby granted shall continue and be of force for twenty-one years, and no longer.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO GRANT EXEMPTION TO CERTAIN FREE PERSONS OF COLOR WHO SHALL RETURN TO THIS STATE, FROM PENALTIES NOW PROVIDED BY LAW.

A. D. 1861.

No. 4583.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all and every free colored person and persons, residents of this State, who, during the present war, has or have left, or may leave, this State, in any occupation or employment of a military character, or in the employment of any person connected with the military service of this State or the Confederate States, may be at liberty to return to this State, and remain within the same, free from the penalties now provided by law against the return of free persons of color who have left this State.

Free negroes, when they may return to State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives*

AN ACT TO INCORPORATE THE CAROLINA INSURANCE COMPANY.

No. 4584.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall become stockholders, in the manner hereinafter prescribed, shall thereupon become, and they and their successors and assigns shall be, one body politic and corporate, under the name, style and title of the Carolina Insurance Company.

Name.

II. The capital stock of the said company shall be two hundred thousand dollars, which shall be divided into eight thousand shares of twenty-five dollars each, and shall be raised in the following manner: The following persons shall be, and they are hereby, appointed Commissioners to receive subscriptions, on the several plans hereafter named: Augustus L. Tobias, Henry Cobia, and George A. Walter, and said Commissioners, or a majority of them, shall, at Charleston, on the thirtieth day of December, instant, from nine o'clock of the forenoon until five o'clock of the afternoon, at such place in Charleston as they shall appoint, receive subscriptions to

Capital stock.

Commissioners to open books.



A. D. 1861.

the capital stock of the said company, from all persons offering to subscribe thereto, and paying, at the time of subscribing, five dollars per share—payment thereof to be made in specie, or in the bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the City of Charleston, or in Confederate Treasury Notes, or in other good and valid securities within the Confederate States—the stocks and bonds and securities so taken, to be estimated by the Commissioners at the market value thereof at the time of subscribing: *Provided*, that the said Commissioners shall give at least three days' notice, by advertisement in two gazettes published in the City of Charleston, of the time and place of receiving such subscriptions.

Company, of whom formed.

III. And such said subscribers, paying their subscription money, respectively, shall form the company above mentioned, upon complying with the conditions, and being subject to the clauses, hereinafter set forth.

Shares, distribution of excess of.

IV. If more than eight thousand shares shall be subscribed, the Commissioners shall distribute the eight thousand shares of which the capital stock of the said company is to consist, among the subscribers, as nearly as may be in proportion to the number of shares subscribed by them, respectively: *Provided, always*, That subscriptions of five shares or less shall not be reduced, unless the whole number of shares subscribed cannot be otherwise reduced to eight thousand.

Further subscriptions if less than 8,000.

V. In case the number of shares subscribed on the day hereinbefore appointed for receiving subscriptions shall be less than eight thousand, the Commissioners shall receive further subscriptions, not exceeding such number of shares as, with those already subscribed, shall make up the number of eight thousand shares, at any time during one year next following the said thirtieth day of December, instant.

Franchises.

VI. The said company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises incident to a corporation; and shall be capable of taking, holding and disposing of their capital stock, according to such rules, regulations and institutions as they may, from time to time, establish; and also of taking, holding and disposing of, or investing, as the said corporation shall, from time to time, judge fit, the increase, profit or emolument of their said capital stock, to their own use; and shall have full power and authority to make, have and use a common seal, and with such devise and inscription as they shall deem proper, and the same to break, alter and renew at their pleasure; and by the name, style and title aforesaid, shall be able and capable, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all or any of the courts or tribunals of this State, in all manner of suits, pleas and demands whatsoever; and they are hereby authorized and empowered to appoint a President and other officers, and six Directors, at such

periods, and with such duties, as they shall see fit; and also to make rules, by-laws and ordinances, and do everything needful for the good government and support of the affairs of the said corporation: *Provided, always,* That the said rules, by-laws and ordinances shall not be repugnant to the Constitution and laws of the Confederate States or of this State.

A. D. 1861.

VII. The said corporation shall have a right and power to purchase, acquire, take and hold, in the said corporate name, lands and real estate, and the same to demise, grant, sell, assign and convey, in fee simple or otherwise: *Provided,* the clear yearly income of the real estate so to be held shall not, at any time, exceed ten thousand dollars.

Real estate, company may acquire.

VIII. The said corporation shall have a right, and by their said names, and by the signature of their President for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity, as they shall from time to time, in and by their rules and by-laws ordain and appoint, to make contracts, and underwrite policies of assurance and indemnity upon marine risks, whether of vessels, or goods and merchandise, in whole or in part foreign and domestic, whether lying in foreign ports, or shipped upon the high seas, or in any ports of the Confederate States, or within any of the rivers, bays, creeks, canals, or waters of this State, lying, or being, or laden; and also, in like manner, to make contracts, and underwrite policies of insurance and indemnity against fire, on all buildings, goods, wares and merchandise, and other property liable to destruction or accident by or from fire, or the effect thereof, situate, lying, being or deposited in this State, or elsewhere; to lend or advance money upon bottomry or respondentia, to make insurance on lives, to grant and purchase annuities, to lend money on the security of real and personal property, bonds, bills or promissory notes, to make any other contingent contract involving the duration of life, and generally to transact and perform all the business relating to the objects aforesaid, according to the usage and custom of merchants; and by such contracts effectually to bind and pledge their said capital stock: *Provided,* That it shall not be lawful for the said company to lend money on the security of their own stock.

General powers.

IX. No dividend shall be declared exceeding twelve per cent, per annum upon the capital of the said company, and any excess of profits made at any time, or from any source, above such per centage, shall be carried to a surplus fund to meet losses and equalize dividends. If the profits at any time fall below the amount, then, and in that case, the dividends may be increased to that amount from the surplus fund: *Provided,* The capital be not thereby reduced.

Dividends, restriction on.

X. In case of any loss whereby the capital stock of the said company shall be lessened during the continuance of the charter, no dividend shall thereafter be made until the deficiency shall either be made up by the

Loss of capital, no dividend in case of.

A. D. 1861.

stockholders, or by the company, or until a sum arising from the profits of its business, equal to such diminution, shall have been added to the capital.

Loss of third of capital, consequences in case of.

XI. If the capital of said company shall become reduced by losses below two-thirds thereof, the deficiency shall be made up by the stockholders in six months after such reduction shall occur, and, in default thereof, the affairs of the corporation shall be wound up, and they shall cease to do business.

Several liability.

XII. If the affairs of the corporation are not wound up, as directed in the preceding section, and they should proceed to do business, then the President and Directors shall be jointly and severally liable to make good all engagements of the company incurred after the reduction of the capital as aforesaid: *Provided*, That nothing in this section shall be so construed as to extend to any President and Director who shall dissent to the proceedings of the company in these particulars, and who shall enter his protest on the minutes of the Board, and publish the same in the daily gazettes of the City of Charleston, or who shall be absent from the State during the six months in which the deficiency of capital should have been made up.

Power over members.

XIII. The said corporation shall be, and they are hereby, invested with full power to enforce upon their members the due observance of all laws, rules and regulations, for their better government, under such penalties as they shall, in and by such by-laws, limit and prescribe; and to this end, if need be, shall and may institute and maintain, in their said corporate name, against any one or more of their members, either at law or in equity, all just and necessary suits, actions and pleas, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the said corporation, any law, usage or custom to the contrary thereof, in any wise notwithstanding.

Votes proportioned to shares.

XIV. In all elections and other corporate acts done by the stockholders of the said company, every stockholder shall be entitled to one vote for each share owned by him or her, or standing in his or her name: *Provided*, That no stockholder shall be entitled to more than forty votes.

Business, when to begin.

XV. One-fourth of the capital of the said company shall be paid in, and satisfactory proof thereof furnished to the Comptroller General, before the said company shall be authorized to commence business.

Books, Legislature reserves power to examine.

XVI. The books of the said company shall be examined, from time to time, by such person or persons as the Legislature may, for that purpose, appoint; and the person so appointed shall have full power to examine upon oath, to compel the attendance of witnesses and the production of papers, and inquire into the management of the company; and in cases of mismanagement, or violation of their charter, the said company may be proceeded against by *scire facias*, in the Court of Common Pleas and

General Sessions for Charleston District, and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

A. D. 1861.

XVII. This Act shall continue and be in full force for twenty-one years, and no longer.

XVIII. At least one-half of the capital of the said company shall be permanently invested in stock or bonds of this State, or the City of Charleston, or of the Confederate States, or in any other good stocks or bonds of incorporated companies within this State, and the company may transfer and sell said stocks, or any part thereof, for the purpose of reinvestment, whenever a due regard to the safety of its funds may require: *Provided, however,* That the company shall not deal or trade in buying and selling any goods, wares, merchandise or commodities whatever.

Capital, proportion to be invested.

XIX. The Board of Directors of the said company are empowered to call in the instalments on the shares of the capital stock, in such sums, and at such times, as they may deem advisable: *Provided,* Two weeks' notice be given of such call. And the said instalments shall be payable in the same medium as hereinbefore provided as to the first instalment of five dollars.

Instalments.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AID IN THE CONSTRUCTION OF THE GEORGETOWN RAILROAD." No. 4585.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first section of an Act entitled "An Act to aid in the construction of the Georgetown Railroad," ratified the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, altered and amended, so as to read as follows: "That whenever the Georgetown Railroad Company shall have procured *bona fide* subscriptions for the capital stock in said company, to an amount sufficient to grade, bridge and prepare for the iron rails, twenty miles of said road, and it shall be shown by said company to the Governor of the State

Endorsement of bonds, condition of.



A. D. 1861.

that said subscriptions are good and solvent, and whenever said company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of rails, and fully prepared a section of twenty miles of said road, in a good and substantial manner, with good materials, for putting on the iron rails and equipments, and the Governor shall be notified of these facts, and that said section, or any part thereof, is not subject to any lien whatever, other than that created in favor of the State by this Act, by the written affidavits of the President and Chief Engineer of said company, then the Governor shall cause to be endorsed by the Comptroller General, upon the bonds of the said company, to an amount not exceeding five thousand dollars per mile of said section, the guarantee of the State of South Carolina, pledging therefor the faith and funds of the State, which bonds shall be payable at such place in the Confederate States as the President of the company may designate, bearing an interest of six per centum per annum, payable semi-annually, and not having more than twenty years to mature.

II. That the fourth section of the said Act be altered and amended, so as to read as follows: That when the said company shall have prepared, as aforesaid, a second section, or any additional number of sections, of twenty miles each, of said road, connecting with the section already completed, for the iron rails, chairs, spikes and equipments, as provided in the first section of this Act, and the Governor shall be notified of the facts, as before provided, he shall, in like manner, cause to be endorsed for said company like bonds of the said company, to an amount not exceeding five thousand dollars per mile, for each and every section of twenty miles of said road so prepared as aforesaid, but upon the terms and conditions hereinbefore provided; and upon the endorsing of said bonds, the State of South Carolina shall be invested with a like mortgage or lien, without a deed from said company, upon said first and additional section or sections of said road so prepared, upon the rails and equipments, put or to be put upon the same, for the payment of said bonds, and the accruing interest thereon: *Provided*, That if the last section of said road shall be less than twenty miles, bonds of the said company shall be endorsed as aforesaid, for such section, for an amount in proportion to the distance, as provided in this Act; but upon the same terms and considerations, in all respects, as required in regard to the bonds to be issued for the other sections of said road. And when the whole of said road shall be completed, the State of South Carolina shall be invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, grading, bridges, masonry, iron rails, spikes, chairs, and the whole superstructure and equipments, and all the property owned by the company, as incident to or necessary for its business, for the payment of all said bonds endorsed as aforesaid, as provided in this

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Act, and for the interest accruing on said bonds. And after the Governor shall have caused bonds to be endorsed, as provided in the first section of this Act, for the first section of the road, it shall not be lawful for said company to give, create, or convey, to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with, the lien of the State herein secured; and any such lien, incumbrance or mortgage, shall be null and void, as against said lien or mortgage of the State; and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO INCORPORATE THE PALMETTO LYCEUM OF CHARLESTON. No. 4586.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edwin Heriot, President; Samuel L. Hammond, and Henry Sparnick, Vice Presidents; Virgil C. Dibble, Recording Secretary; Peter Gowan, Jr., Corresponding Secretary; Milwood W. Heath, Treasurer, of the Palmetto Lyceum of Charleston, and their associates and successors, be, and the same are hereby, declared to be a body politic and corporate, by the name and style of the "Palmetto Lyceum of Charleston."

Charter  
members.

II. That said corporation may sue and be sued, plead and be impleaded, in any Court of law or equity in this State; may have succession of officers, may adopt and use a common seal, and the same may alter at pleasure; may make, and, from time to time, alter or modify such by-laws, rules and regulations, not inconsistent with the laws of the land, for the organization and regulation of the said corporation, as may be deemed necessary or expedient; may be capable of holding any real estate, not exceeding the value of ten thousand dollars, and generally may have and enjoy all the rights and privileges incident to bodies corporate.

Privileges and  
liabilities.

A. D. 1861.

III. That this Act shall be deemed a public Act, and shall continue in force for fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
 JAMES SIMONS, *Speaker House of Representatives.*

No. 4587. AN ACT TO INCORPORATE THE SOUTHERN EXPRESS COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Charles M. Furman, Charles V. Chamberlain, F. W. Dillard, John E. Bacon, J. A. Harman, D. A. Reese, B. F. Ficklin, and their associates, successors and assigns, be, and they are hereby, declared to be a body corporate and politic, by the name of the Southern Express Company, for the purpose of an express transportation business.

II. The capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and in case the said capital stock be found insufficient for its purposes, such company may increase its capital stock, from time to time, to such amount as may be deemed necessary for the purpose aforesaid, not exceeding one million of dollars. Such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of stock of the company, present or represented at a meeting of such stockholders.

III. The said company may commence business as soon as its capital stock is fully subscribed, and fifty thousand dollars of the same paid up; and on such subscriptions being made, any five subscribers to said stock may call a general meeting of the stockholders of the said company, by serving a notice, signed by them, of the time and place of such meeting, twenty days at least before the time of holding the same, on each stockholder personally, or by leaving it at his residence, or by putting the same in the Post-Office at Richmond, directed to him at his usual or reported place of residence, and paying the postage thereon: *Provided, however,* That any other mode or time of calling said meeting shall be lawful, if all the stockholders consent thereto in writing, or are represented thereat. At

the meeting convened as aforesaid, the said company shall elect, by a majority of votes there present or represented, not less than five nor more than nine persons, being stockholders of the said company, to act as Directors of the said corporation, who shall represent the said company, and manage the business thereof. Vacancies in the Board of Directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation.

A. D. 1861.

IV. At the first meeting of the said Board of Directors after their election, they shall elect one of their number as President of the said corporation, and may elect a Vice President, and such other officers as they may deem advisable. The Directors of this company shall hold their offices for one year, and until others are chosen.

Officers, elections of.

V. In case it shall, at any time, happen that an election of Directors be not made at the time designated, or on the days when by the by-laws of said company it ought to be done, it shall and may be lawful to hold the same on any other day designated by said company. And in case any annual meeting of stockholders shall not be held, by reason of neglect of the Directors, it shall be in the power of any stockholders holding one hundred shares of the capital stock, to call such meeting, for the purpose of electing Directors and other purposes, by giving the notice as hereinafter prescribed; and for that purpose they shall have access to the stock list and transfer books of said company, and all information necessary to the giving of such notice.

Elections may be held on other than days fixed

VI. *And it be further enacted*, That the Directors of such company shall have power to make and prescribe such by-laws and regulations as they shall deem proper, respecting the management and disposition of the property and estate of such company, the duties of the officers, agents, artificers and servants, by them to be employed; to appoint such and so many officers, clerks and servants, for carrying on the business of said company, and with such salaries or wages, as to them shall seem reasonable: *Provided, however*, That such by-laws be not inconsistent with any existing law.

By-laws.

VII. The said company shall have power to do an express transportation business, by land or by water, for the conveyance of persons and property of every kind, from, to and between any place in the Confederate States and any place in or beyond the limits of the Confederate States, in their own conveyance or those of other persons; and to create and organize branch agencies for the same purpose; and to hire, establish and maintain store-houses, ware-houses and other buildings, and to purchase lands to build thereon such store-houses, ware-houses and other buildings, as may be required for the safe keeping of any thing entrusted to them for conveyance; and shall have power to indemnify themselves by insurance against loss or damage by fire, or the risk of navigation and transportation of any goods,

General Powers.



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wares, merchandise or other property in their custody, received by them for transportation, or held by them as their property: *Provided*, That this Act shall not be so construed as to give the said Southern Express Company any right or authority to build, purchase, occupy or establish any railroad or steamboat line, except to be employed between any port in the Southern Confederacy and foreign ports, or other like means of transportation; nor shall the same be so construed as to require any railroad or steamboat line established in part or in whole within the limits of the Confederate States, to do or perform transportation service, as herein contemplated, for or on account of the said Southern Express Company.

Principal office. VIII. The principal office of said company shall be kept at Charleston, unless the same be changed by a vote of two-thirds of the Directors, at a meeting called for that purpose, to any other place in the State; and the said company may establish as many branch or local offices as their business may require.

Meetings. IX. The regular meeting of the Board of Directors of said company shall be held at the principal office of said company, or at such other place in the State as the by-laws or the Board of Directors may designate; but said company may hold special meetings of its Directors, for the transaction of business, at any place which the by-laws of said company may designate, or which the majority of the Directors, with the approval of the President, may appoint.

Freight and baggage unclaimed, how disposed of.

X. If the said company shall have had unclaimed freight or baggage, not perishable, in its possession for the period of at least one year, it may proceed and sell the same at public auction, after giving notice to that effect in one or more newspapers published in the State, or at the place where such goods are to be sold, once a week, for not less than four weeks; and shall also keep a notice of such sale posted for the same time in a conspicuous place in the principal office of the said company. Said notice shall contain, as near as practicable, a description of such freight or baggage, the place and time when and where left, together with the name and residence of the owner of the freight or baggage, or person to whom it is consigned, if the same be known.

Moneys therefrom, how disposed of.

XI. All moneys arising from the sale of freight or baggage, as aforesaid, after deducting therefrom charges and expenses for the transportation, storage, advertising, commissions for selling the property, and any amount previously paid for advances on such freight and baggage, shall be paid by the company to the persons entitled to receive the same. And the said company shall keep books of record of all such sales as aforesaid, containing copies of such notices, proofs of advertisements and posting, affidavit of sale, with the amount for which each parcel was sold, the total amount of charges against such parcel, and the amount held in trust for the owner;

which books shall be opened for inspection by claimants, at the principal office of the said company, and at the office where the sale was made.

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XII. That stockholders in the said company shall be personally responsible for the amount equal to the amount of stock held by each, for any loss of, or damage on, goods, moneys, or other property entrusted to the said company for transportation, and for any contract made, or liability incurred by them.

Stockholders personally responsible.

XIII. That no right of property to this franchise shall invest until the minimum amount of capital is subscribed, and fifty thousand dollars actually paid, of which fact it shall be the duty of the company to inform the Governor, in the same manner that the officers of a bank about to be put into operation are required to do. And when said company shall be organized and ready to go into operation, it shall be the duty of the president officer and Treasurer to make a statement, upon oath, to the Comptroller General, of the amount of capital paid in, and to make a like statement every six months thereafter, with an additional statement of their profits and gross receipts; and for failing to make such report, they shall forfeit and pay into the public treasury one thousand dollars for each failure, to be recovered by motion, after ten days' notice.

Franchise, when to attach.

XIV. This Act shall be subject to modification and repeal at the pleasure of the General Assembly.

Act repealable.

XV. Any action at law or suit in equity, against the said company, may be commenced by any person residing in this State, by personal service of process on the local agent or officer of said company in charge of its affairs in the District in which such person considering himself aggrieved may reside, or in any District through which the lines of transportation of said company may pass, if there shall be no local agent or officer in the District in which the person commencing such suit may reside: *Provided*, That nothing herein contained shall be construed to prevent the commencement of any suit in equity or action at law in the manner heretofore provided by law.

Suits, how commenced.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

A. D. 1861.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES, AND FERRIES, AND  
TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED.

No. 4588.

New road, York  
District.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a new road in York District, from the residence of Joseph McCash, on the Yorkville and Rutherfordton road, to Gaffney's Ferry, on Broad River, about two miles long, be opened and laid out by M. L. Ross, W. L. Hopson, and L. H. Anthony, and then turned over to the Commissioners of Roads of the said District, and is then hereby declared to be a public road, on the condition that the owners of the land over which said road will pass shall grant the right of way without charge to the State.

New road,  
Orange Parish.

II. That the Commissioners of Roads for Orange Parish do lay out and open a new road, leading from Rowe's Pump, on the South Carolina Railroad, westward, to the Orangeburg and Charleston road, near the residence of Mrs. Susan Bowman, along its present route and track, by the residence of James Cox, Francis Baxter, Thomas P. Stokes, Lewis J. Crum, and others; and when so laid out and opened, the said road be, and the same is hereby, declared to be a public road.

Galarant's  
Ferry.

III. That Galarant's Ferry, over the Little Pee Dee River, be established as a public ferry, and vested in Mathew Martin, his heirs and assigns, for the term of fourteen years, with the following rates of toll: For footman, five cents; for man and horse, ten cents; for all carriages drawn by one horse or mule, or an ox cart, twenty-five cents; for all carriages drawn by two horses, mules, or oxen, thirty-five cents; for all carriages drawn by three horses, mules, or oxen, fifty cents; for all carriages drawn by four horses, mules, or oxen, seventy-five cents; for all carriages drawn by five horses, mules, or oxen, one dollar; for cattle, five cents per head; for hogs and sheep, three cents per head.

Bridge, Ander-  
son and Green-  
ville Districts.

IV. That the citizens of Anderson and Greenville Districts, living in the neighborhood of Hiram Cooly's Bridge, over Saluda River, as now erected, shall have the privilege to keep up, in good repair, a bridge which they have now erected over Saluda River, near the bridge of the said Hiram Cooly, which bridge shall be a free bridge to the public, at which no one shall be charged toll for crossing. That the said bridge be kept in good repair by the labor, and at the cost, of those persons who have contributed money, means or labor to erect the present bridge. This privilege shall continue in force so long as the said persons shall keep up the same, and the roads leading thereto, without expense to the public.

Bridge, Saluda  
River.

V. That Hiram Cooly be permitted to keep up the bridge over Saluda River, as it now is, for the term of fourteen years, as a toll bridge, and he shall receive such tolls thereat as he received under and while his former

charter existed; but this privilege to the said Hiram Cooly shall not interfere with any of the rights or privileges hereinbefore, by the fourth section of this Act, granted to certain persons named therein.

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VI. That the new road now existing and used, leading from Summerville, in the Parish of Saint George, Dorchester, to Bacon Bridge, on Ashley River, about four miles long, be, and is hereby, declared to be a public highway; and shall be worked on, and kept in good order as such, by the Commissioners of Roads of the Lower Board in the Parish of Saint George, Dorchester, in the District of Colleton. But the said Commissioners of Roads shall first obtain the right of way from the proprietors of the land over which the said road shall be laid out.

New road, St.  
George,  
Dorchester.

VII. That a new road be laid out in Edgefield District, running from Aiken to Edgefield Court House, about two miles from Aiken, and intersecting the Leesville road, or the public road running by Charles Plunket's, about one mile south of said Plunket's: *Provided*, That the consent of land owners be first obtained, without cost to the State: That T. G. Croft, Andrew Jordan, and Charles Plunket be appointed Commissioners, with power to lay out the said road, and have the same cleared out; and that said road be declared a public highway, and turned over to the Commissioners of Roads for said District.

New road,  
Edgefield Dis-  
trict.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

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AN ACT TO REGULATE THE REPORTS OF THE RAILROAD COMPANIES, No. 4589.  
AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several Railroad Companies chartered by this State be, and the same are hereby, required to file in the Comptroller General's office, on or before the first day of October, in each year, reports, according to the following schedule, viz:

Railroad com-  
panies to make  
reports.



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Abstract of Railroad Report

Form of report.

of the Company, for the year ending the first day of October, of the year one thousand eight hundred

Name.	
Capital Stock	Subscribed.
Capital Stock	paid in.
Bonds guaran-	teed by the State.
Funded Debt,	not guaranteed
Floating Debt,	by the State.
Total Cost of	Road.
Length of Road	constructed.
Length of	Branches.
Speed of Pas-	senger Trains.
Speed of Freight	Trains.
Earnings.	Expenses.
Net Earnings.	Dividends.
Surplus.	Failures of Pas-
enger Trains to	meet Schedules
and termi-	nations at junctions
Persons	Injured.
Persons	Killed.
Casualties.	Number of
Passengers over	Road.
Future Prospects of Road	and General Remarks.

President.

Name of

And any Railroad Company which shall fail to make such report, shall be liable to a penalty of one hundred dollars, to be recovered by action of debt in any Court having jurisdiction.

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II. That all Acts and clauses of Acts requiring Railroad Companies to make reports of their condition to the Legislature be, and the same are hereby, repealed.

Existing Acts repealed.

III. That it shall be the duty of the Comptroller General to collate the said reports in one general abstract, and publish the same with his Annual Report; and also to report any Railroad Company which shall fail to make such report.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
 JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER COMPANY No. 4590.  
 OF LIGHT ARTILLERY, AND TO INCORPORATE THE SAME, BY THE  
 NAME OF THE "WACCAMAW LIGHT ARTILLERY."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General of the State of South Carolina be, and he is hereby, empowered to inspect and receive into the thirty-third regiment of South Carolina Militia, a new volunteer company of light artillery, to be styled the "Waccamaw Light Artillery," any law to the contrary hereof notwithstanding.

Adjutant and Inspector General to inspect and receive.

II. That the said company shall have attached to the same one Captain, three Lieutenants, five Sergeants, four Corporals, and one Secretary and Treasurer, and shall not consist of more than one hundred or less than forty men, including officers, non-commissioned officers and privates; and whenever it shall be reduced under the number of forty men, above required, and shall not recruit to such number within six months after notice to its commander to fill up its ranks, it shall be disbanded, and the commissions of its officers vacated.

Officers.

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Incorporation,  
company an.

III. That the said company, as soon as it shall have been received, as herein provided for, be, and the same is hereby, declared to be a body politic and corporate, under the name and style of the "Waccamaw Light Artillery," for the term of fourteen years from the ratification of this Act, with all such powers as are incident to, and all such liabilities as are now imposed by law upon, like corporations.

Corporate  
powers.

IV. That the said company shall have the power to adopt a constitution and by-laws, and enforce the same by all needful rules and regulations; to hold company courts martial, to be appointed by the officer in command, for the trial of all offences created by such constitution and by-laws, and to collect, by process of execution, as now provided for by law, all fines and penalties which shall be imposed by such company courts martial.

Sheriff to en-  
force process.

V. That it shall be the duty of the Sheriff of Georgetown District to enforce all legal process issuing from the courts martial of said company, and make return thereof to the Secretary and Treasurer of said company, within three months after the same may have been lodged, under a penalty of fifty dollars for each and every failure so to do.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4591. AN ACT TO AID IN THE CONSTRUCTION OF THE BARNWELL RAILROAD.

Bonds, to be en-  
dorsed by State.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever the Barnwell Railroad Company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of the rails, and fully prepared the said road, in a good and substantial manner, with good materials, for putting on the iron rails, and the Governor shall be notified of the fact, and the said road is not subject to any lien whatsoever, other than that created in favor of the State by this Act, by the written affidavit of the President and Chief Engineer of said company,

then the Governor shall cause to be endorsed by the Comptroller General, upon the bonds of the said company, to an amount not exceeding five thousand dollars per mile of the said road, the guarantee of the State of South Carolina, pledging therefor the faith and funds of the State, which bonds shall be payable at such place in the Confederate States as the President of the company may designate, bearing an interest of seven per centum per annum, payable semi-annually, and not having more than twenty years to mature.

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II. That the bonds endorsed as aforesaid shall not be used by said company for any other purpose than for procuring the iron rails, chairs, spikes and equipments for said road, and for putting down said iron rails; and the Governor shall not cause the same to be endorsed unless upon the affidavit of said President, and a resolution of a majority of the Board of Directors for the time being, that said bonds shall not be used for any other purpose than for procuring the said iron rails, chairs, spikes and other equipments for said road, and for putting down said iron rails.

Endorsed bonds, restriction upon their use

III. That as soon as any such bonds shall have been endorsed for the said road, as aforesaid, they shall constitute a lien upon said road, including the road-bed, right of way, grading, bridges and masonry, upon all the stock subscribed for in said company, and upon said iron rails, chairs, spikes and equipments, when purchased and delivered; and the State of South Carolina, upon the endorsing of the said bonds, and by virtue of the same, shall be invested with said lien or mortgage, without a deed from the company, for the payment by said company of said bonds, with the interest.

Lien, endorsed bonds to be a.

IV. That when the whole of said road shall be completed, the State of South Carolina shall be invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, grading, bridges, masonry, iron rails, chairs, spikes, and the whole superstructure and equipments, and all the property owned by the company, as incident to or necessary for its business, for the payment of all of said bonds, endorsed as aforesaid, as provided in this Act, and for the interest accruing on said bonds. And after the Governor shall have caused bonds to be endorsed, as provided in the first section of this Act, for the said road, it shall not be lawful for said company, to give, create or convey, to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with, the lien of the State herein secured; and any such lien, incumbrance or mortgage, shall be null and void as against said lien or mortgage of the State; and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company.

State to be invested with a lien.

V. That the State expressly reserves the right to enact, hereafter, all such laws as may be deemed necessary to protect the interest of the State,

Protective laws, State may enact.



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and to secure it against any loss in consequence of the endorsing of bonds under the provisions of this Act, but in such manner as not to impair the vested rights of the stockholders of the company.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4592. AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the officers and privates composing the volunteer corps of heavy infantry known as the "Jasper Greens," and attached to the fourth brigade of South Carolina militia, and of the corps of light infantry known as the "Beauregard Light Infantry," and attached to the first regiment of rifles of the same brigade, be, and they are hereby, declared bodies politic and corporate, by the name and style, respectively, of the "Jasper Greens" and the "Beauregard Light Infantry;" that the said companies shall have succession of officers, and shall have the power to hold estate, real and personal, to the value of five thousand dollars, and the same, or any part thereof, to alien, sell or transfer; to have and use a corporate seal; to make all needful by-laws, rules and regulations, not repugnant to the laws of the land; to hold company courts martial, for the trial of cases of default and of infraction of the by-laws, rules or regulations of the company; to issue process, in the nature of an execution, for the collection of all fines imposed by such courts, which process shall have the same force and effect, and be executed in the same manner, as now required by law in case of process issued by other courts martial, and be returned to said companies, or to such officer thereof as the process may direct; to sue and be sued; and shall have all other rights, powers and privileges, incident to bodies corporate: *Provided*, That nothing herein contained shall be construed to exempt the said companies from any military service that may be required

by the laws of this State, or from answering for default of such service to any court martial of the brigade or regiment to which said companies may be attached.

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II. That the South Carolina Rangers, of the City of Charleston, be, and the same are hereby declared to be a body politic and corporate, under the name and style of the "South Carolina Rangers," for the term of fourteen years from the ratification of this Act, with all such powers as are incident to, and all such liabilities as are now imposed by law upon, like corporations; and that the said company shall have power to adopt a constitution and by-laws, and enforce the same by all needful rules and regulations; to hold company courts martial, to be appointed by the officer in command, for the trial of all offences created by the constitution and by-laws; and to collect, by process of execution, as now provided for by law, all fines and penalties which shall be imposed by such company courts martial; that the said company shall be attached to such regiment of the fourth brigade as they shall think proper to select, and be constituted, as to number of officers, non-commissioned officers and privates, as provided for a corps of cavalry by the Military Act of Assembly of one thousand eight hundred and forty-one.

South Carolina  
Rangers.

III. That John B. Frazer, G. W. Spence, and G. W. Skrine, and others, who are now, or may hereafter be, associated with them as members of an association known as "South Carolina Commandery, No. 1, Knights Templar," be, and they are hereby, declared a body politic and corporate, by the name and style of "South Carolina Commandery, No. 1, Knights Templar," with power to invest funds in estate, real and personal; and to have and exercise all the rights, powers and privileges, incident to bodies corporate.

South Carolina  
Commandery,  
Knights  
Templar.

IV. That the charter heretofore granted to the "Cheraw Bridge Company" be, and the same is hereby, renewed and extended, with all the rights and privileges heretofore granted.

Cheraw Bridge  
Company.

V. That the officers and privates composing the volunteer corps known as the Charleston Zouave Cadets be, and they are hereby, declared a body politic and corporate, by the name and style of the "Charleston Zouave Cadets;" that the said company shall have the power to hold estate, real and personal, to the value of five thousand dollars, and the same, or any part thereof, to alien, sell or transfer; to make all needful by-laws, rules and regulations, not repugnant to the laws of the land; to hold company courts martial, for the trial of cases of default and of infraction of the by-laws, rules or regulations of the company; to issue process, in the nature of an execution, for the collection of all fines imposed by such courts, which process shall have the same force and effect, and be executed in the same manner, as now required by law in cases of process issued by other courts martial, and be returned to the said company, or to such officer thereof as the process may direct; to have succession of officers and mem-

Charleston  
Zouave Cadets.

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bers ; to sue and be sued ; and shall have all other rights, powers and privileges incident to bodies corporate : *Provided*, That nothing herein contained shall be construed to exempt the said company from any military service that may be required by the laws of this State, or from answering for default of such service to any courts martial of the brigade or regiment to which said company is attached. That all the rights, powers and privileges conferred by this Act on the South Carolina Rangers be, and the same are hereby, conferred on the Marion Rangers, commanded by Captain John B. Earnest, in the fourth brigade South Carolina Militia.

Summerville,  
amendment of  
charter of  
town of.

VI. That the charter heretofore granted to the Town of Summerville be so amended as to empower the said Town Council to raise, annually, by taxation, for the uses of said corporation, a sum not exceeding five hundred dollars ; and that said Council be further empowered to impose a tax on horses and carriages of every kind, kept in said town, whether by permanent or transient residents ; and upon carts and wagons used in said town by non-residents, for hire, or conveying lumber, freight and baggage about the town : *Provided*, That the part, lying within the corporate limits of said town, of the farm belonging to Samuel Kingman, be exempted from all taxation by said Town Council, so long as there shall be no building thereon.

VII. That this Act shall be, and is hereby, declared to be a public Act, and shall continue of force for the term of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4593. AN ACT TO AMEND AN ACT ENTITLED "AN ACT CREATING A MILITARY ESTABLISHMENT FOR THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES."

Amendments. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third section of an Act entitled "An Act creating a Military Establishment for the State of South Carolina, and for other purposes," ratified the

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twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, altered and amended, so as to read as follows, viz: That there shall be one regiment of artillery, which shall consist of the officers allowed by the laws of the Confederate States of America to regiments of artillery, and not less than eight companies; and each company shall consist of one captain, two first lieutenants and one second lieutenant, five sergeants, four corporals, two artificers, two musicians, and not less than sixty nor more than one hundred privates, and one company of artillery may be equipped as a harnessed battery of light or flying artillery.

II. That the fifth section of the said Act be, and the same is hereby, altered and amended, so as to read as follows, viz: That there shall be one squadron of cavalry, convertible into infantry or artillery, as the War Department may direct, which shall consist of one major, one adjutant and one quartermaster, one sergeant major, one quartermaster sergeant, and four companies, each of which shall consist of one captain, one first lieutenant and one second lieutenant, four sergeants, four corporals, two musicians, two artificers, and not less than sixty nor more than one hundred privates.

III. That the tenth section of the said Act be, and the same is hereby, altered and amended, so that the enlistments made thereunder shall be for a period of three years, or during the continuance of the war between the United States and the Confederate States of America, unless the persons so enlisted shall be sooner discharged, and all re-enlistments shall be for a period of three years, or during the continuance of the said war, unless the non-commissioned officers and privates so re-enlisted shall be sooner discharged: *Provided*, That nothing herein contained shall be construed as making provisions for the maintenance of a military force of any kind for a longer period than while they are in the service of the Confederate States of America.

IV. That the second, sixth, seventh and eighth sections of the said Act be, and the same are hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*



A. D. 1861. AN ACT TO AMEND THE CHARTER OF THE UNION LIGHT INFANTRY  
 CHARITABLE SOCIETY AND COMPANY.  
 No. 4594.

Amendment of  
 charter. I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Union Light Infantry Charitable Society and Company be, and the same is hereby, amended, so that the said society shall have power to elect honorary and actual members who are not members of the said company, and that it shall not hereafter be requisite that the members of the said society shall be members of the said company.

Incorporated. II. That the said company shall be held and taken as a body corporate and politic, separate from the said society, and shall not consist of less than forty men, including officers, non-commissioned officers and privates, any law to the contrary notwithstanding; that it shall have power to adopt a constitution and by-laws, and to enforce the same, hold company courts martial, to be composed of the commissioned officers, for the trial of all offences created by said constitution or by-laws, and to issue execution for the same, under the hand and seal of the commanding officer.

Sheriff to execute process. III. That it shall be the duty of the Sheriff of Charleston District to execute any process of fine directed to him under said hand and seal: *Provided*, That no fine be imposed for a larger amount than twenty dollars; that all fines collected shall be paid to the commanding officer aforesaid; and on the failure of said Sheriff to execute said process, a rule may issue on the suit of said officer, returnable to the next term of Court—said rule to be issued by the Clerk of Common Pleas for Charleston District, requiring said Sheriff to show cause why he has not enforced said execution; and no cause being shown, he shall forfeit the sum of fifty dollars to said company, judgment for which shall be signed instanter.

Limitation of  
 charter. IV. That the charter herein granted to said society and company shall expire with the limitation of the original charter; and the members of said company shall not be liable to do militia or patrol duty other than in said company.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
 JAMES SIMONS, *Speaker House of Representatives.*

## AN ACT TO INCORPORATE THE FLORENCE AND FAYETTEVILLE RAILROAD COMPANY.

A. D. 1861.

No. 4595.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of forming a railroad communication between Florence, in this State, and the Town of Fayetteville, in the State of North Carolina, the formation of a corporate company is hereby authorized, to be called "The Florence and Fayetteville Railroad Company," which company, when formed, are hereby authorized to construct a railroad from Florence to a point at or near McInnis Bridge, on Little Pee Dee River, and thence to Fayetteville, in the State of North Carolina, following, throughout its length, a line between said points, as nearly direct as may be consistent with the most economical construction of said road.

Railroad,  
authority to  
build a.

II. That the capital stock of said company shall be fifteen hundred thousand dollars, to be divided in shares of one hundred dollars each, with the privilege of increasing said capital, at any time after the company is organized, to an amount not exceeding three million dollars, in like shares of one hundred dollars each.

Capital stock

III. That for the purpose of raising such capital stock, books of subscription are hereby authorized to be opened at the following places, and by the following persons, as Commissioners, that is to say: At Harleesville, in Marion District, by A. W. Bethea, A. S. McCormick and James McRae; and at Clio, in Marlborough District, by Charles McRae, John A. McRae and P. B. McLauren; with power in said Commissioners, or any three of them, to appoint Commissioners at such other places as they may think proper; which books of subscription may be opened at any time, and from time to time, as the said Commissioners herein named, or a majority of them, shall determine, upon first giving at least thirty days' public notice of the time and place of opening said books.

Commissioners  
to receive sub-  
scriptions.

IV. That whenever the sum of three hundred thousand dollars shall have been subscribed by responsible individuals, companies or corporations, to the capital stock of said company, and an instalment of five dollars on each share paid in cash, it shall be lawful for said company to organize, and proceed to the construction of the said railroad; and for the purpose of so organizing, it shall be the duty of the Commissioners herein named to call a meeting of the stockholders, fixing the time and place of such meeting.

Organization.

V. That for the purpose of organizing said company, and of continuing the said railroad, the said company is hereby invested with all the powers and privileges, and is made subject to all the duties and liabilities, that the Wilmington and Manchester Railroad Company are invested with and subject to, by an Act entitled "An Act to charter the Wilmington and Man-

General  
powers.

A. D. 1861.

chester Railroad Company," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six; and the charter of the said Wilmington and Manchester Railroad Company shall be and constitute, as far as practicable, the charter of the said Florence and Fayetteville Railroad Company.

Freight and  
passenger  
charges uni-  
form in rate.

VI. That the company hereby authorized to be formed, shall not have power to discriminate on freight and travel against any of the railroads now in operation, or which may at any time hereafter be constructed, in South Carolina, but the charges of freight and travel shall be the same in every instance, agreeable to distance, under the penalty of forfeiture of their charter. That the gauge of said road shall be five feet, to correspond with the gauges of the railroads in South Carolina, throughout the entire length of road from Florence to Fayetteville, North Carolina.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4596. AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS, HERETOFORE GRANTED.

Hebrew Benevolent Society of Columbia, renewal of charter.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charters of the "Hebrew Benevolent Society of Columbia," and of "The South Carolina Sunday School Union," heretofore granted, be, and the same are hereby, renewed, with all the rights and privileges heretofore granted; and that all acts done by said corporations since the expiration of their charters be, and the same are hereby, declared as good and valid as if said charters had not expired.

Public School of Aiken, incorporation of.

II. That W. Peronneau Finley, E. J. C. Wood, G. D. Mims, Amery Coffin, W. F. Percival, J. H. Cornish, Lucius Cuthbert, J. G. Steedman, Edward Smith, and W. A. Merritt, Trustees of a public school now in operation in the Town of Aiken, be, and they and their successors in office

are hereby, declared a body politic and corporate, by the name of the "Trustees of the Aiken Public School," with power to hold property, real and personal, to an amount not exceeding, at any one time, the sum of twenty thousand dollars, and the same to sell, alien and convey; and to make all by-laws, rules and regulations, not repugnant to the laws of the land, as shall by them be deemed expedient for the better management of the school, now in existence, under their government, or of any similar institution of a literary character which may hereafter be founded by them.

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III. That all free white persons who now are, or who may hereafter become, members of the Mount Lebanon Baptist Church, of Edgefield District, be, and they are hereby, declared a body politic and corporate, by the name and style of the "Mount Lebanon Baptist Church," and as such, shall have power to make by-laws necessary for the government of the same, and not repugnant to the laws of the land; to sue and be sued, by their corporate title, in any Court in this State; to have and use a corporate seal; and to have and enjoy every right, power and privilege, incident to such corporations; and the said corporation is hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as it may have and possess, or be entitled to, or which shall hereafter be given, bequeathed, or devised to, or in any manner acquired by it, and to sell, alien, or transfer the same, or any part thereof: *Provided*, That the amount of property so held shall in no case exceed the sum of twenty thousand dollars.

Mount Lebanon Baptist Church, incorporation of.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO AUTHORIZE CERTAIN BUILDING AND LOAN ASSOCIATIONS No. 4597.  
TO SUSPEND THE CALL FOR MONTHLY INSTALMENTS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the "Palmetto Loan and Building Association," the "Savings' Building and Loan Association," the "Relief Loan Association," the "Mutual Benefit Loan Association," and the "Home Loan and Building Associa-

Instalments, power to suspend collection of.



A. D. 1861.

tion," are hereby authorized to suspend the call for monthly instalments, as required by their several charters, if, in the judgment of their respective Boards of Directors, such suspension shall be advisable.

II. That this Act continue of force until the first day of January, in the year of our Lord one thousand eight hundred and sixty-three.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4598. AN ACT TO ENCOURAGE THE MANUFACTURE OF SALT WITHIN THIS STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of two joint stock companies, for the manufacture of salt, is hereby authorized; and as soon as either of said companies shall have obtained subscriptions to the capital stock of the same, in shares of one hundred dollars each, to the amount of five thousand dollars, and the first instalment of ten dollars paid in, the Comptroller General, if satisfied of the solvency of such subscriptions, is authorized to subscribe, on behalf of the State, not exceeding five thousand dollars, to the capital stock of each company; and on his making such subscription, and paying the first instalment thereon, the company shall be considered as formed, and an Act of incorporation attach, so as to constitute the subscribers thereto a body corporate and politic, by such name and style as the said body corporate shall designate and adopt; which said company shall have perpetual succession of members, and be capable, in their corporate name, to exercise all the rights, powers and privileges, incident to bodies politic and corporate, not inconsistent with the Constitution and laws of this State.

II. That each stockholder, in any company formed under this Act, at all meetings of the stockholders, shall be entitled to a vote for every share such stockholder shall have in said company.

III. That each company may prescribe the manner and time of paying in the balance of the capital stock of the company, and the sale and transfer of

Salt, companies for the manufacture of, authorized.

Subscription by State, how made.

Votes of stockholders.

Capital, balance of.

the stock of delinquent stockholders, and require payment of any balance remaining after sale of such stock.

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IV. That the State in no event shall be liable on any contract or obligation of the company, to any creditor or stockholder of said company, over and above the payment of the subscription to the capital stock of such company; that the company or companies shall make annual reports, each, of its condition to the Legislature; and that no company shall divide more than twenty per cent. profit; and in case of a dissolution of a company, to make an equal division of the capital stock, or so much thereof as may remain, and profits, amongst the stockholders, and such portion thereof as shall be coming to the State, be paid into the Treasury.

State not liable for acts of company.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTÉR, *President of the Senate.*  
JAMES SIMÓNS, *Speaker House of Representatives.*

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CHERAW AND COAL FIELDS RAILROAD COMPANY IN SOUTH CAROLINA," RATIFIED ON THE 21ST DAY OF DECEMBER, A. D., 1857, AND FOR OTHER PURPOSES. No. 4599.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second section of an Act entitled "An Act to incorporate the Cheraw and Coal Fields Railroad Company," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be, and the same is hereby, amended, so that William Godfrey and Daniel B. McArn shall be substituted as Commissioners, in the place of John C. Wadsworth and James M. Threadgill, named in said Act.

New Commissioners.

II. That the company chartered by said Act, when organized, and the President and Directors thereof, shall, in addition to the powers, rights and privileges granted by said Act, have all the powers, rights and privileges, and be subject to the same liabilities, except as otherwise specially provided for, as are conferred and imposed by the amendments to the charter of the Cheraw and Coal Fields Railroad Company, by an Act entitled "An Act

Powers increased.

A. D. 1861.

to revive and continue in force an Act entitled ‘An Act to incorporate the Cheraw and Coal Fields Railroad Company,’” passed by the General Assembly of the State of North Carolina, at the session of 1856-’57, chapter 66, ratified on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-one.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

No. 4600.

## AN ACT TO INCORPORATE THE YORK GAS-LIGHT COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John H. Adams, Henning F. Adickes, J. Rufus Bratton, Richard S. Moore, Stanhope Sadler, and others, who now are members of the York Gas-Light Company, and such other persons as may become members thereof, be, and they are hereby, declared a body politic and corporate, by the name of the “York Gas-Light Company,” with a capital of sixteen thousand dollars, and the privilege to increase the same hereafter to any sum not exceeding thirty thousand dollars.

Powers and liabilities.

II. That the said company shall have succession of officers and members, and shall have authority to make rules and by-laws, not repugnant to the laws of the land; to have and use a common seal; to sue and be sued, plead and be impleaded, by their corporate title, in any Court of law or equity in this State; and to have and enjoy all and every right and privilege, incident and belonging to incorporated bodies.

Real estate, authority to hold.

III. That the said company shall be able and capable, in law and equity, to have, hold, receive, possess, enjoy and retain, all such property, real and personal, as they may now be possessed of, or in any wise entitled to, or which shall have been, or shall hereafter be, given or bequeathed to, or in any way acquired by them; and shall have power to alien, sell, or otherwise dispose of, the same or any part thereof: *Provided*, The amount so held by the said company shall in no case exceed in value the sum of twenty thousand dollars.

IV. That the capital stock of said company shall be divided into shares of one hundred dollars each, and on any increase of the capital, as hereinbefore provided for, the same shall be raised by subscription, in shares of one hundred dollars each. And at the election of officers, and on all matters that may be submitted to a vote of stockholders, each shall be entitled to one vote for each share held by him.

A. D. 1861.

Capital stock.

V. That the shares in the capital stock of the said company shall be deemed personal estate, and be transferable only on the books of the said company. And no part of the said capital stock shall, at any time, or under any pretence whatever, be loaned to, or divided among, the stockholders; nor shall said capital be withdrawn or divided among the stockholders, until all the liabilities of the company have been fully paid; nor shall any dividend at any time be declared, except of the net earnings and profits of the company, over and above the capital.

Stock personal property.

VI. That the said company shall have power to manufacture, make and sell Gas, to be made of rosin, coal, oil, turpentine, or other material, and to furnish such quantities of Gas as may be required in or near the town of Yorkville, for lighting the streets, stores, and buildings there situate, and for other purposes; to lay pipes or other conductors, for conducting Gas through the streets, alleys, lanes and squares of the Town of Yorkville and its vicinity.

Business.

VII. That if any person shall wilfully injure, or cause to be injured, any of the property of the said company, such person shall forfeit and pay to the said company treble the amount of damages sustained by such injury, to be recovered by action in any Court having cognizance thereof; and shall also be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding one year.

Injury, damages for.

VIII. That this Act shall be deemed a public Act, and continue of force for the period of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*



A. D. 1861. } AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RAISE SUPPLIES  
 No. 4601. } FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT  
 HUNDRED AND SIXTY," AND FOR OTHER PURPOSES.

Stock instead of  
bonds.

I. *Whereas* by the provisions of an Act entitled "An Act to raise supplies for the year commencing in October, one thousand eight hundred and sixty," ratified the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, the President of the Bank of the State was directed to issue certain bonds, signed by him, and countersigned by the Cashier of the said Bank, to an amount not exceeding six hundred and seventy-five thousand dollars; and whereas a portion of the said bonds have been disposed of, and a portion still remains unsold, and it is deemed advisable to issue certificates of stock, instead of bonds, as provided for in said Act,

By whom  
issued.

*Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Treasurer of the Lower Division be authorized to issue certificates of stock, to be signed by him and countersigned by the President of the Bank of the State, bearing the same rate of interest as the said bonds, in the place and stead of so much of the said bonds as now remain unsold; and that upon the application of the holders of any of the said bonds which have been already sold, like certificates of stock may be substituted for the said bonds signed and countersigned as above directed.

Interest, when  
and where  
payable.

II. That the interest on all stock so issued shall be paid at the office of the Treasurer of the Lower Division, in Charleston, on the first days of January and July in each year.

Interest on mil-  
itary defence  
Stock, when  
and where  
payable.

III. That the interest on the six per cent. stock, issued under the provisions of an Act entitled "An Act to authorize the issue of certificates of stock, to provide for the military defence of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, shall be paid semi-annually, on the first days of January and July in each year, instead of annually, as provided for in said Act.

Bank refunded  
a certain sum.

IV. That the Bank of the State of South Carolina be refunded the sum of one hundred and fifty thousand dollars, advanced as a portion of the sum appropriated for the military defence of the State, in the seventh section of an Act entitled An Act to raise supplies for the year commencing in October, one thousand eight hundred and sixty, ratified the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one. And the Treasurer of the Lower Division is hereby authorized to pay the drafts for the said amount, drawn by his Excellency the Governor, countersigned by the member of the Executive Council charged with the Treasury Department, and made payable to the Bank of the State.

V. That so much of the twelfth section of the Act last aforesaid, as authorizes the Bank of the State of South Carolina to issue notes or certificates receivable in payment of taxes and other dues to the State, to the amount of two hundred thousand dollars, be, and same is hereby, repealed. And the Bank of the State of South Carolina is hereby authorized and directed to charge, as an advance to the Treasury of the State, the sum of two hundred thousand dollars, or so much thereof as may be paid to the order of the Governor by the Bank, in pursuance of the provisions of the said twelfth section of the Act aforesaid, and for which the authority to issue notes or certificates, is hereby repealed.

A. D. 1861.

Notes receivable, authority to issue repealed.

Advance charged to Treasury.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
 JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO REGULATE ELECTIONS OF MEMBERS OF THE LEGISLATURE AND OTHERS WITHIN THE PARISHES OF ST. PHILIP AND ST. MICHAEL. No. 4602.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the elections for a member of Congress, members of the Legislature, Sheriffs, Clerks, and all other District officers to be elected by the people within the Parishes of St. Philip and St. Michael, shall in future be held at ten different places—one of which shall be held in Ward number one of the City of Charleston, one in Ward number two, two in Ward number three, two in Ward number four, one in Ward number five, one in Ward number six, one in Ward number seven, and the other one in Ward number eight; and the residents in the same shall be authorized and required to vote in that Ward of the city in which they respectively reside, and nowhere else within the said Parishes. The residents of the said Parishes, who reside outside of the limits of the City of Charleston, are hereby authorized and required to vote at either of the polls established in Wards number seven or number eight, at their option. That three Managers for each of the polls hereby established shall be appointed

St. Philip's and St. Michael's, Election Precincts in Parishes of.

A. D. 1861.

by the General Assembly; and the Board of Managers thus formed shall have authority so to locate the various polls, and prescribe the boundaries of the new election precincts herein established in Wards numbers three and four, within the Wards aforesaid, as will best suit, in their opinion, the convenience of voters.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
 JAMES SIMONS, *Speaker House of Representatives.*

No. 4603. AN ACT TO SUSPEND THE NINTH SECTION OF AN ACT ENTITLED "AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-THREE," AND FOR OTHER PURPOSES.

Suspension of  
9th section A. A.  
1823.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ninth section of an Act entitled "An Act to raise supplies for the year one thousand eight hundred and twenty-three," ratified on the twentieth day of December, in the same year, be, and the same is hereby, suspended until the first day of January which shall be in the year of our Lord one thousand eight hundred and sixty-three.

Returns, de-  
fault in making.

II. That it shall be the duty of the several Boards of Commissioners of Free Schools, who have made default in making their returns to the present session of the Legislature, as required by law, to make such returns, together with the additional return which will be then due, to the session commencing on the fourth Monday in November, in the year of our Lord one thousand eight hundred and sixty-two; in default whereof, all appropriations for the use of any such defaulting Board shall be withheld.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
 JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES AND FACULTY OF THE MEDICAL COLLEGE OF SOUTH CAROLINA TO APPLY CERTAIN FUNDS TO THE PAYMENT OF DEBT, AND TO OTHER PURPOSES.

A. D. 1861.

No. 4604.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Board of Trustees and Faculty of the Medical College of South Carolina be, and they are hereby, authorized and empowered to apply the unexpended remainder of the sum of twenty thousand dollars, appropriated by the State for the use of the said College, on the twentieth day of December, in the year of our Lord, one thousand eight hundred and fifty-three, to the following uses, to wit: Three thousand dollars to the payment and reduction of the debts of the said College, and two thousand dollars, or the residue, to such purposes as the said Trustees and Faculty may determine.

Unexpended  
moneys to be  
applied to  
debts.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO REQUIRE THE CIRCUIT JUDGES TO SEND, WITH THEIR REPORTS TO THE APPEAL COURT, THE NOTES OF EVIDENCE TAKEN ON THE TRIAL.

No. 4605.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on request of any party interested in the appeal, the Judge before whom the case may be tried on circuit, shall send, with his report to the Court of Appea's. the notes of evidence taken by him on the trial, or a certified copy of the same.

Notes of  
evidence.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*



A. D. 1861.

No. 4606.

AN ACT TO ALTER AND AMEND THE SECOND SECTION OF AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO FISH SLUICES ON THE CATAWBA AND WATEREE RIVERS, AND FOR OTHER PURPOSES."

Amendment as  
to penalty.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second section of an Act entitled "An Act to alter and amend the law in relation to Fish Sluices on the Catawba and Wateree rivers, and for other purposes," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, be so altered and amended as to read as follows: That any person who shall be convicted, by indictment, in the Court of Sessions, of obstructing the Fish Sluices in Congaree, Wateree and Santee rivers, shall be fined and imprisoned, at the discretion of the Court.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*

No. 4607. AN ACT TO ALTER THE TIME OF HOLDING THE ELECTION FOR ORDINARY OF ANDERSON DISTRICT.

Ordinary,  
change of time  
of election of.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the next election for Ordinary of Anderson District shall be held on Tuesday after the second Monday in October which shall be in the year of our Lord one thousand eight hundred and sixty-two, and on the same day in every fourth year thereafter.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO CONFER THE RIGHTS OF LEGITIMACY ON A CERTAIN CHILD  
OF MARY MULLINAX.

A. D. 1861.

No. 4608.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the natural son of R. W. Hughes, begotten upon the body of Legitimized. Mary Mullinax, with whom the said R. W. Hughes has since intermarried, called by the name of Franklin Elmore Hughes, be, and he is hereby, invested with all the rights and privileges of a legitimate child, and authorized and entitled to take and hold real and personal estate, under the statutes for the distribution of intestates' estates, or as legatee and devisee of his said parents, in the same manner, and to the same extent, as if he had been born in lawful wedlock.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO AUTHORIZE TRUSTEES TO INVEST FUNDS IN BONDS OF No. 4609.  
THE CONFEDERATE STATES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Guardians, Trustees, Administrators, Executors, Masters and Commissioners in Equity, and all other persons holding funds in trust for investment, are hereby authorized to invest the same in bonds of the Confederate States of America: *Provided*, That as to Masters and Commissioners there be no order of the Court directing a different investment. Confederate bonds, trust funds may be invested in.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

STATUTES AT LARGE.

A. D. 1861. AN ACT TO AMEND THE LAW AS TO THE ELECTION OF OFFICERS OF  
No. 4610. THE SOUTH CAROLINA COLLEGE.

College officers,  
when to be  
elected.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second section of an Act entitled "An Act to alter and amend an Act entitled an Act to establish a College at Columbia," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, be so amended that it shall be lawful for the Board of Trustees to elect officers for the College at the semi-annual, as well as the annual, meeting of the Board: *Provided*, That a majority of the whole Board are present.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, *President of the Senate.*  
JAMES SIMONS, *Speaker House of Representatives.*

COMMISSIONER OF DEEDS,  
APPOINTED DURING THE YEAR 1861.

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NAME.	STATE.	RESIDENCE.
Lewis Levy, . . .	Georgia, . . .	Augusta.

*a*





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