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BY JOHN HOPF, C. 117, BROAD-STREET.

1814.

TO THE

PEOPLE OF SOUTH-CAROLINA.

FELLOW CITIZENS.

THE laws which you have established for your own security and advantage, and to regulate the conduct of each one of you in society, have been collected and digested for your convenient use, accompanied with explanatory notes, designed to render the perusal and study of them more interesting and instructive: and they are now presented for your acceptance.

In every well constituted republican government, the LAWS are supreme. Law is the expression of the public will, and flows immediately from the fountain of all power, THE PROPLE.

The majesty of the people exists in their laws, at the head of which stands the supreme law, THE CONSTITUTION.

In such a government, the law is the only sovereign. The fundamental principle of all law, is the PUBLIC GOOD; and it is the duty and interest of each individual member of the social state, to promote the greatest good of the greatest number, by all the legitimate means within his reach.

One of these means is the promulgation and explanation of those rules of action which have been instituted for the equal benefit of each individual; and teaching obedience and respect for those institutions in which the sovereignty of the people resides, and on which their security and happiness depend.

With these sentiments, this work is respectfully inscribed by

THE PUBLISHER,

Charleston, September 20, 1814.

June 14 1906

District of South-Carolina, to wit:

BE IT REMEMBERED, That on the twentieth day of September, Anno Doming one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America, JOHN HOFF had deposited in this office, the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"An Alphabetical Digest of the Public Statute Law of South-Carolina. In Three "Volumes. By Joseph Brevard, one of the Judges of the Courts of General Sessions and Common Pleas, and an Associate Judge of the Constitutional Court of Appeals of the State of South-Carolina."

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned: "and also an act, entitled "An act supplementary to an act, entitled 'An act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

JAMES JERVEY, Clerk of the District of South-Carolina. The reader is requested to note the errors, and make the corrections and amendments

2, the last line in the note at bottom, for 2 Just." read "2 Inst."

7, number 5 of the sections ought to be prefixed imert * 13 Ed. 1. c. 9." 23, in the first side note, for "annuities" read "annuitarts." 23, in the lowest side note, for " 3 Just," read " 3 29, line 22 and 26, (and in different places in pages 201, 215 & 219) for "Charleston" read "Charles-"I perpetuated by 18 H. 6. c. 12" 37, in the side note to § 10, for "absconds" read "ab 38, the stars on this page to be expunged, and the note at bottom to be transferred to the foot of page 39, in place of the words " See note page 38." which are to be seen to be seen to be page 38." 209. which are to be struck out. 43, in the side note to § 3, for warrants of attorney." out, and the letter A. inserted. to the Stat. 7 Ja. L c. 7. prefix the mark. 52, L 1 of the first note at bottom, for "commission" read " communions." 53, first note at bottom, after "See A. A. 1799," add sert the letter A. 54, l. 2 of the first nore at bottom, for " and sequel prefix the mark. 66, l. 5 of note † at bottom, for "validity" read 72, L3 of note † at bottom, for " St. 5 Ed. 6. c. 12." prefix the mark. 83, i. 1 of note * at bottom, for " L 21. c. 17." read " L. 21. c. 16." 87, in the lowest side note, for "stock" read stocks." 305, in the side note at bottom, the word "all" to be 101, in the side note to Title 39, for "pretensed title" 109, in the first side note, for 4 1814" read # 1812." 118, i. 8 from the bottom of note +, for "to the ver-dicta" read "to in the verdicta." 314, I. 1 of the note at bottom, the word " the" to be 119, in the side note at top, for a register of meme conveyance," read " registers of mesne conveyin the last line at bottom, for " criminals" read 136, l. 5 from the bottom, the word "it" at the be-318, L 7 from the bottom of foot note, for "judg-ments" read "judgment." ginning of the line to be struck out. 190, 1. 3 from the bottom, for "emerced" read " smer-320, in the side note to § 23, (for "its effect," read ced," and for "Cxpense" read " expenses." 1.7 from the buttom, for " tithes" read " fittes." 323, L 6 of note at bottom, for "devised by executors"
read "only directed." 198, L s of Title 58, § 1. (in some copies) for "ntrue" 359, l. I of the note at bottom, the words " and detain-199, l. 13 from the bottom (in the note) for " fraudenter" to be struck out. ly" read " fraudulently." 393, 1. 7 of the first bottom note, the word " the" be-1. 23 between the words "practised, false" insert fore "assembly" to be struck out. 396, l. 2 of the bottom note, for "demand" read " re-1. 26, the article " a" to be struck out. " L 27, for "chaplin" read "chaplain."

206, in note " at bottom, after " See A. A." add " 1813, 413, I. 1 of \$ 15, for " years" read " lives"
422, Trile 101, for " Intestates' Estate" read " Intestates' Estate" Dec. Sess. within, \$95."
217, h 3 of \$9, for "jesture" read " gesture." 445, 1.27 of the note at bottom, for "statutes" read "statutes" 225, in note + at bottom, after "Colleton" add Georgetown and Horry. 429, L 42 of the note at bottom, for " next kin" read " next of kin." 232, in the side note to § 86, for \$ 1813" read \$ 1811." To § 88, add as a side note "A. A. 1813. Sept. Sens." and to § 89, "A. A. 1813, Dec. Sens."

1. 4 of § 88, before Jacksonborough prefix the 434, in the last line of the note at bottom, for " copartners" read "coparceners." 436, l. 4 of \$9, for "upon" read "up."

1. 6 of the same section, between the words "is 242, in the side note to § 13, for " cases" read " leases." finding" insert of."

442, L 1 in the note at bottom, for " relates" read "re-245, in the side note to y 1.5, for cases from learn.
295, L 6 from the top, after "public laws" insert " as expressly made of force." Strike out " by the "," and add " by these marks " + ‡ [." " to the statute " 3 F.d. 1. c. 16." " 3 Ed. 1. c. 26." and " 13 Ed. 1. c. 45." prefix this marks ".

295, between the statutes of Gloucester and Westm. to the statute 1 Ed. 3. c. 7. prefix "P. L. App. to the statute 25 Ed. 3. St. 2. e. 2. Strike out the mark prefixed, and insert Ruth. MSS. vol. 4. 297, between the statutes 5 Hen. 5, e. 8, and 9 H. 5. St. 1. c. 4 insert "9 Hen. 5. St. 1. c. 1." and add 298, instead of the statute 8 Eliz. c. 5. insert 13 Eliz. to the statute 18 Eliz. c. 7. and 27 Eliz. c. 4. prethe mark + to the statute 1 Ja. 1. c. 12 to be struck for the Stat. 4 Ja. 1. c. 1. insert 4 Ja. L. c. 3. to the Stat. 3 Ch. L. instead of the mark & into the Stat. 12 Ch. 2. c. 24. and 29 Ch. 2. c. 7. to the Stat. 4 & 5 W. and Mary, c. 24. add as a note, "perpetuated by 6 and 7 W. 3. e. 14. § L. to the State 3 & 4 Ann. c. 9. and 9 Ann. c. 14. the words after the Stat. 9 Ann. e. 20. "[See A. A. 1712, making the English statutes of force, § 2.]" to be struck out, and the following inserted, 1.7 of the same note, for "admin." read "admin-,1. 3 of the note at bottom, for " court" read courts," L 13 of the same note, for "Watter" reads Wa-

478, L 2 from the bottom of the page for "justice."

read " justices."

INTRODUCTION.

THIS first attempt to revise and digest into compact and regular order, the tumid and incongruous mass of acts of assembly, and English statutes made of force, which compose the statute law of South-Carolina; and to incorporate therewith the constitutions of the state and of the United States, together with such of the laws of the United States as more immediately concern the state functionaries and the people at large, (without any power to reject, abridge, or in any manner change the matter or composition of these materials) has been found to be a task more important, and difficult to execute, than at the commencement of the undertaking it

That it should fail of complete success in the accomplishment; that the plan of the work should be disapproved of by many; that numerous defects, mistakes and omissions, should be discovered in the execution of it, and seriously objected to its utility, are circumstances which have been anticipated and fully expected.

The difficulties opposed to a successful completion of such an enterprize, under

the most propitious circumstances, are neither few nor small.

From the year 1682, which is as far back as our legislative records extend, down to the present time, no scheme, sanctioned by public authority, has been formed and executed, with a view to obtain a revisal and digest of our written laws.

The act of assembly passed in the year 1785, "to effect a revisal, digest and. publication of the laws of this state," contemplated amendments, alterations, and the enactment of new laws; in short, a complete new code, correspondent to the political changes and new order of things, which had been recently established. The commissioners appointed to form this digest, submitted the result of their labours to the legislature in 1789; but the code which they had prepared was not adopted.

About the year 1736, Nicholas Trott, formerly chief justice of the province, published a collection of all the acts of assembly then in force, together with the titles of all other acts which had passed from the first settlement of the country.

The collection of public laws edited by judge Grimké, in the year 1790, contains all the public, permanent and general laws then in force, together with many others of a local, temporary and private nature; and also the English statutes made of force, copied from the English statute books. This collection also contains the titles of all the acts passed from the first establishment of the civil government of

Since the publication of this work, Messrs. Daniel and J. J. Faust, have edited a collection of the acts of assembly, passed from the year 1791 to the year 1804, in-

Except the loose and fugitive publications of the acts of each session of the legislature, and the constitutions of the state and the United States, these collections are the only sources whence we can derive a knowledge of our written laws; unless we could have access, which every citizen cannot conveniently have, to the original legislative acts of record, in the archives of state.

Many of the laws contained in these collections have been repealed, either altogether or in part; many of them have been altered, or differently modified; several are either in whole or in part, inconsistent with, or in flat contradiction to others; or so thwart and confuse each other, as to render their interpretation extremely difficult

The obscurity and uncertainty of our laws is further encreased by the adopt of numerous English statutes (either expressly or by necessary construction) in the very form and expression of the original acts of parliament. Many of these are extremely ancient, and conceived in terms so uncouth and quaint, as to be in some measure unintelligible, whilst their application, at this day, to a state of things in many respects widely different from that to which they were originally adapted, is oftentimes attended with perplexity and doubt. Many of them have become obsolete, or else wholly or in part repugnant, or inapplicable to the local and political situation of this country: and some of them depend on principles and regulations which never were, or are now no longer recognized as the law of this land.

Independently of the confusion and uncertainty necessarily arising from such a combination of circumstances, it is to be regretted that any of our laws should be suffered still to wear the badge of foreign imposition, and colonial subjection; and that our statute book should be encumbered with the weight of so much extrane-

In most of our sister states, their laws have been revised and reduced. In some of them this has been repeatedly done; by which means their codes have been corrected and reformed, as the progress and exigencies of society required. Exuberances have been pared away, ambiguities and obscurities removed, and such salutary alterations and additional regulations cautiously and judiciously introduced, as the necessities and happiness of the community called for. Where these things have taken place, the task cannot be difficult, to form a digest, or methodical collection of the laws, by arranging the different subjects treated of therein, under distinct and appropriate heads, or titles. This might be done with little confusion or embarrassment, and the whole work compressed within a moderate compass.

But in this state a different order of things has prevailed. The heterogeneous mass of discordant materials which compose the motley fabric of our jurisprudence, has been gradually accumulating for more than the space of a century, without any successful attempt having been made by public authority, to reduce the bulk, and bring it to consistency and order. Succeeding legislatures have always been more anxiously employed in the enactment of new laws, than in reforming the old. They have not always been sufficiently diligent to enquire into, nor careful to ascertain the necessity and propriety of innovating on the laws already established. In the haste exercised to remedy existing grievances, collateral inconveniencies and remote consequences have not always been foreseen and calculated: yet from these often flow greater mischiefs, than beneficial effects from the application of the

The lust for legislation is generally too eager and vehement to endure delay. The suggestions of cautious prudence and experience are not often attended to; and the research and reflection necessary to acquire conrect and adequate information, is commonly omitted as too tedious and laborious. Hence have arisen various clashing and irreconcilable statutes; various implex and inexplicable regulations, and many similar provisions differently expressed, modified or directed. Hence it has happened that the common law has been so frequently re-enacted, or cases specially provided for, which the common law was fully competent to redress, and other cases provided for, where statutory provision had already been made.

Such are the crude, diffuse and refractory materials, of which the present compilation is formed. The humble office of compiler did not permit him (if he had been competent to such a performance) to correct, amend, or in any manner alter the form or substance of any of the laws which were to enter into the composition of his work. It was his duty to collect all such as are of force, and insert them in their proper places in the Digest, so far as it was practicable to do so, in the same form and precise language in which thex appear in the originals, or in the copies published by authority. This was found to be a business not easy to accomplish with accuracy and certainty. Various clauses and passages in different statutes, directly or indirectly, immediately or consequentially bearing on the same objects, were to be examined, collated and deliberately scanned: where they seemed to come in conflict, the intention of the legislature was to be considered, and other proper tests applied, in order to ascertain and fix their respective or comparative claims to preference or concurrent operation. This was necessary, in order not only to discard useless matter, but to a correct arrangement of the matter reserved, under proper heads, and the compression thereof to a reasonable size.

But, in the execution of this task, many difficulties were presented. In some cases the constitutionality of certain acts, or clauses of acts, appeared questionable, and the extent, operation and applicability of others, unces In many cases it was not clear whether subsequent acts had repealed others of prior date, or whether they might not be construed to stand together, as independent regulations. To avoid the imputation of presumption, as well as to find relief (in some iestances) from the perplexities of his own judgment, the compiler deemed it most rudent and safe, where such difficulties occurred, to leave the matter in question open for the determination of the proper and competent tribunals, (the courts of judicature and the legislature) by forbearing to retrench any of the same, however they might seem to clash and disagree.

The more thoughtful and experienced part of society, who feel most anxious for the permanent security of persons and property, must be desirous that our legal code, at no distant period, should be rescued from the reproach which at present attaches to it, and the state of degradation into which it is sunk. The attempt now made to bring order out of confusion, and reduce our written laws to greater certainty, may hereafter contribute to hasten and complete that desirable end. And that object might be effected with more facility, and more satisfactorily, than is generally imagined, by a judicious choice of fit and competent persons, appointed for that special purpose. The task would doubtless be attended with labour and difficulty; but it is susceptible of being so executed as to merit the approbation, and conduce to the safety and happiness of every good citizen.

The course to be taken should be that which is recommended by Doctor Burn, in the conclusion of his Justice of Peace:-To repeal expressly, all acts and parts of acts, which are virtually repealed by subsequent contradictory or repugnant acts: To repeal all acts which are obsolete and useless from the effects of time, or a material change of circumstances; or by statutory provisions, alterations and amendments, made or enacted subsequently: To repeal or alter all frivolous, unnecessary or superfluous acts, which possibly cannot, or probably never will be executed: To omit, in the collection for public use all acts of private concern. And no act ought to be declared a public act, of which every one is bound to take notice (which is now very common) without special pleading. All public acts, and clauses of acts, relating to the same subject, should be formed into one act, or into two or more consistent and homogenial acts, and the others repealed; as workmen destroy the scaffolding when the building is completely raised.

The work ought not to be committed to unskilful and unexperienced hands, lest, instead of a commodious building, (to pursue the metaphor) they might erect an ill constructed and inconvenient fabric, which would soon tumble to pieces by its own weight. The statute laws, though greater in number, and more intricate and confused than they should be, are nevertheless for the most part understood, and especially by men of the profession, and the law respecting them settled; but if they should be repealed and others enacted, unless great care and circumspection were employed in the business, much difficulty, confusion and uncertainty would. result, by breaking the connection between the former acts, or clauses of acts, and

changing the words and phraseology.

With a sound understanding, a clear head, and much patience and diligence, the work might be successfully executed, by strictly observing the following rule: "To retain as much as possible, the identical words and sentences of former statutes, only rejecting what is superfluous, inserting the clear law as it now stands, and putting the same into a form more regular, concise and easy."

It would be best to refrain from introducing new laws, whatever may be the fancied utility or improvement to be thereby attained, unless the necessity should be' urgent, and the advantage plain and evident. "It were good (says Bacon) that men in their innovations would follow the example of time, which indeed innovateth greatly, but quietly and by degrees, scarcely to be perceived." It was a law among the Locrians, that he who proposed a new law, stood forth in the assembly of the people with a cord round his neck, and if the law was rejected the innovator was instantly strangled.

Reformation should produce the change, and not the desire of change the pretraded reformation. When we tread super antiquas vias we walk safely; and as the Scriptures advise, "we should make a stand upon the ancient way, and then look about us, and discover what is the straight and right way, and so walk in it." The community, it is believed, would derive much more benefit from such a revision and improvement of our existing laws, as might be obtained in the way above proposed, than from the abundance of new acts which the most - lific legislature could produce.

The science of legislation should be the slow growth of time and experie which would furnish occasionally the advantage of both method and materials. The genius of a rude people is perceptible in the construction of their laws, which are generally loose, irregular, vague and defective; and where the end is salutary, the means are frequently absurd.

It has been said, that the multiplicity of the laws is the price which every subject of a free government pays for his freedom; as they grow with the civilization of society, and as pursuits and occupations become more various and diffusive; yet this can be no reason why pains should not be taken to improve the style and composition of the laws, to render them more concise, plain and simple, and to condense them into a more solid and regular form. Nor is it any argument against the employment of means to reduce them to a greater conformity to principles that are permanent, uniform and universal: to a consistency with the dictates of natural justice, the feelings of humanity, and the constitutional rights of the people.

And here, it may not be amiss to suggest the obvious propriety and utility of distinguishing the several acts of each legislative session, by numbering them as chapters; and the several clauses of each act, by numbering them as sections. This method is uniformly observed by the legislatures of the other states, and the method did not elsewhere obtain, the certainty and convenience with which any act, or part of an act, might be referred to, would be a sufficient reason for adopting it.

It has never been customary in this state to designate the consecutive order of the acts of the several sessions, or of the respective legislative bodies; and it has numbered. Hence arises great inconvenience and awkwardness, in referring to any particular act, or clause. The reference can only be made to the act, as one at the act, which in some instances would be disgustingly prolix and insipid, and would occupy nearly as much room as the act itself. And in either case the reader would be necessitated to exercise his industry and patience by running through all In this Direct, for the convenience of

In this Digest, for the convenience of easy and accurate reference, the titles are numbered, and also the several substantive passages, or parts of the acis, inserted under each title respectively, without adhering to the division into clauses, as they are arranged in the acts. In the execution of this plan, there will, doubtless, be found many faults; but in general, it is hoped, it will prove useful.

It may be expected that something should be said by way of apology for the intrusion of so many notes, into a compilation of this sort, some of which may appear more like dissertations than explanatory remarks, while others may be considered as impertinent, or at least, as unnecessarily encreasing the size of the work. Whatever opinions may be entertained on this subject, the author can only say that in his humble judgment, something in the way he has attempted appeared necessary, or at any rate promised to be of advantage to the generality of such readers as might occasionally peruse the work, by explaining and illustrating sundry dark passages and technical expressions, to be found in our laws, and by presenting to view the circumstances under which certain statutes were enacted, and

It is not pretended that these objects have been fully attained by the notes in question. The author is but too sensible of their imperfections to cherish any such belief. Yet he feels confident that they will be approved of by many, who have not had leisure or opportunity fully to investigate the laws of their country, and who may be somewhat puzzled to understand some of the more ancient statutes of force here, and the maxims and doctrines of the common law, by which they must be expounded and applied.

The observations of the annotator on some of the acts of modern date, and on other subjects, must be submitted to the mercy and candour of the public.

The idea of inserting a few explanatory notes and observations, in the course of the work, was strengthened by the suggestion of a learned friend, who pointed out a passage in the preface to the Lectures of professor Wilson, late one of the judges of the supreme court of the United States, which is in these words: "The acts of the legislature of Pennsylvania, though very numerous, compose but a small proportion of her laws. The common law is a part, and by far the most important part of her system of jurisprudence. Statute regulations are intended only for those cases,

scomparatively few, in which the common law is defective, or to it is inapplicable. To that law those regulations may properly be considered. upplement. A knowledge of that law should, for this reason, precede, or at least accompany the study of those regulations. To know what the common law was before the making of any statute, says my lord Coke, in his familiar but expressive manner, is the very lock and key to open the windows of the statute. To lay the statute law before one who knows nothing of the common law, amounts frequently to much the same thing as laying every third or fourth line of a deed, before one who had never seen the residue of it. It would therefore be highly eligible, that under each head of the statute law, the common law relating to it, should be introduced and explained. This would be a useful commentary to the text of the statute law, and would at the same time form a body of the common law, reduced into a just and regular system."

Some explanation of the notes of reference may be thought necessary. It may suffice to say, that the letters, "P. L." are intended to signify the collection of publit laws published by Mr. Justice Grimke: that "1 Paust and 2 Faust," means the first and second volumes of a collection of acts of assembly, published by Messrs. Dand J. J. Faust; 'that "Rutl. MSS." refers to a manuscript collection of acts of assembly, in two volumes, by the late Hugh Rutledge, esquire, deceased, one of the judges of the courts of equity. A collection of provincial statutes by chief justice Trott, is sometimes referred to by the title of "Trott's Laws." The acts of assembly are pointed to by the letters, "A.A." and the year in which each of them was enacted. If the legislature was in session twice in any year, the different sessions are designated by the month. The English statuter are referred to by the year of our Lord, and the reign of the king in which they were respectively passed, and also by the chapter of acts of parliament—For example: "A. D. 1286. St. 13 Ed. 1. c. 1." signifies the first chapter of statutes passed in the year of our Lord 1286, and in the thirteenth year of the reign of Edward the first. The Institutes of lord chief justice Coke, in four volumes, are referred to thus: "1 Inst. 2 Inst." &c. The first volume is generally thus quoted, "Co. Litt." being a commentary on a treatise written by judge Littleton in the reign of Henry the fourth. The Reports of Lord Coke are meant by "1 Co. 2 Co." &c. "1 & 2 Hal. P. C." means the first and second volumes of lord chief justice Hale's history of pleas of the crown-"1 & 2 Hawk. P. C." means the first and second volumes of pleas of the erown by Serjeant Hawkins. "Post. C. L." signifies discourses, &c. by sir Michael Foster, concerning crown law, or the criminal law. Judge Blackstone's Com. mentaries are meant by "1 Bl. Com. 2 Rl. Com." &c. It would be too tedious to notice the other references to books of the law.

With respect to the plan of the Digest, the two first volumes contain all the English statutes and acts of assembly of a general permanent nature, or operation, which may be considered of force at this time, and that have been enacted, or adopted, from the earliest period of our civil government till the close of the year 1813, also the constitutions of the state, and of the United States, together with such acts of the Congress of the United States, now in force, as more immediately owners the people, and particularly the public functionaries of the state.

These laws are digested under various heads or titles, and arranged alphabetically; and at the end of the second volume is added a copious index of the principal matters contained in both volumes.

The third volume contains, under various titles, in alphabetical order, all the acts of assembly, now of force, not contained in the two first volumes, being af a less general and permanent nature, with a separate index.

Owing to the remote residence of the compiler from the place where the work has been printed, and other causes, sundry omissions and mistakes have occurred, which have been since discovered. To supply the one, and correct the other, an appendix has been added; and also a table of errors, &c. is prefixed to each volume.

Tax aws of a country form the most instructive portion of its history; and if (a squieu observes) laws must be cleared up by history, and history by laws, it is to be a useful as well as an interesting subject of enquiry, to take a historical review of our juridical history, and trace the rise, progress, and remarkable changes which have happened in the laws, at different periods, from the establishment of civil government in this country.

This might, with propriety, be done on the present occasion, if the writer had abilities and leisure for the task: And though he has no pretensions to the know-

ledge and ability requisite for such an undertaking, and has little leisure to det to it, yet he presumes to offer the following sketch, chiefly with a view to prove some person, more competent to do justice to the subject; to engage in it.

The legal history of South-Carolina may be divided into four periods: I. That which commences and ends with the proprietary government. II. That which commences with the demolition of the proprietary government, and ends with the suspension of royal authority, by the political convulsions which preceded the revolution. III. That which begins with the first movements of the revolution, and ends with the extinction of the royal government, and the establishment of Independence by the treaty of peace with Great Britain. IV. That which begins with the establishment of Independence and reaches down to the present time.

FIRST PERIOD.

The country in North America, south of the 36th degree of north latitude was granted in 1630, by king Charles the fisrt, to Sir Robert Heath, his attorney general, under the name of Carolina; but the grant never took effect. In 1663, king Charles the second, one of the most unprincipled of sovereigns, and profligate of men, in order to promote the pious zeal of certain of his confidential servants and courtiers, for the propagation of the Christian faith (as his charter sets forth) granted to them "all that territory, situate in his dominions in America, extending from the north end of the island called Lucke's Island, in the Virginia seas, and within thirty-six degrees of north latitude, and to the west as far as the south seas, and so southwardly as far as the river St. Mathias, bordering on East Florida, and within thirty-one degrees of north latitude, and so west in a direct line as far

The grantees were, Edward earl of Clarendon, George duke of Albermarle, William lord Craven, John lord Berkley, Anthony lord Ashley, sir George Carteret, sir William Berkley, and sir John Colleton.

In 1665, this charter was renewed and enlarged, so as to comprehend the territory lying within lines running "north and eastward as far as the end of Charahake river, or gulket, upon a straight westerly line to Wyonoake creek, which lies within or about the degree of thirty-six and thirty minutes, northern latitude, and so west in a direct line as far as the south seas, and south and westward as far as the degree of twenty-nine inclusive, northern latitude, and so west in a direct line as far

This territory was granted "in free and common socage," to the grantees as "absolute Lords and Proprietors," who were empowered to make laws and constitutions, with the consent and approbation of the freemen of the colony; to appoint

judges, erect forts, make war, &c.

The immertal Locke, distinguished as a political writer, as well as a metaphysician, was employed to frame a constitution or form of government for the infant colony. It is not probable that he was left at perfect liberty to follow the bent of his own graius and principles, in the instrument which was adopted, as his production, by the name of the Fundamental Constitutions; since we can find so little of that noble simplicity and wisdom, which might be expected in a work of that kind, from the hand of so great a master. The stamp of the proprietors is evident on the face of the instrument, in the aristocratical plan of the government, and the complexity and extravagance of its details. The genius of Shaftsbury, rather than that of Locke, is displayed in its composition.

The fundamental constitutions first adopted in 1670, consisted of eighty-one articles. Other fundamental constitutions, contained in one hundred and twenty articles, were afterwards substituted in 1682: but it does not appear that the freemen of the colony ever formall; assented to these instruments.

These constitutions contemplate the creation of a palatine for life, and a body of hereditary provincial nobility, with estates to descend with dignities; a governor, to be chosen by the proprietors out of thirteen persons to be nominated by the colonists; a parliament or legislative body, to be composed of the governor and councll, and representatives of the people, to sit in one chamber, but without power to originate bills, which were to originate in a grand council, to consist of the governor, the deputies of the proprietors, and the provincial nobility. The laws passed by the legislature were afterwards to be approved of by the people; and at the close of every century, were to expire, without the formally of an express limitation or repeal. The judicial branch of the government, as to consist of latine court.

eight supreme courts, and seven inferior judicatories.

Meanwhile, until the government could be organized conformably to the fundamental constitutions first adopted, a code of temporary laws was framed by the proprietors for the government of the colony, in the form of instructions to the governor and council. Amongst these laws was a set of agrarian rules, the preamto which breathes a purer equity, and sounder policy, than is commonly found in the institutions of a newly formed community, and upon the principles it deelares, lands were first parcelled out in the province to those who desired to ac-

quire property therein.

The words of the preamble are as follows: "Since the whole foundation of government is settled upon a right and equal distribution of land; and the orderly taking of it up is of great moment to the welfare of this province: and although the regulation of this need not be perpetual, yet since all the concernment thereof will not cease as soon as the government comes to be administered according to the forms established in the fundamental constitutions, that the whole distribution and allotment of land, may be with all fairness and equality, and that the inconvenieney of all degrees may be, as much as possible, in their due proportion provided for,

We the lords proprietors, &c."

The mode afterwards pursued to obtain titles to land, was by purchase from the proprietors, or their agents, at the rate of twenty pounds for every thousand acres. Warrants of survey issued to the purchasers, who chose such vacant, or unappropriated land as suited them, and located their warrants by actual surveys; after which grants issued to them for the lands so surveyed, with copies of the surveys annexed. The governor and council met once every month for the purpose of issuing grants. The grants were signed and registered, and delivered to the grantees at one shilling quit rent for every hundred acres, to be paid to the proprietors annually. Some land was granted on condition of the payment of one shilling annual rent per acre. But this condition was soon altered by the legislature. Great discontents prevailed with respect to the terms on which lands were granted, and particularly with respect to the payment of quit rents and the fees of civil officers. These discontents encreased to such a degree that the people of the north eastern part of the province denounced the proprietary government, and discord and distraction reigned without control.

The practical operation of civil government commenced in the year 1672, soon after the promulgation of the temporary laws. The province was divided into four counties. Twenty representatives from Berkely and Colleton counties met in the legislative assembly. Juries, that admirable criterion of truth, and most important guardian of both public and private liberty, were formed according to the mode directed by the fundamental constitutions; a mode corresponding in principle to that which has ever since been preserved. Little, however, was effected, towards the establishment of civil rule, and the control of equal laws, for many years. Certain standing laws, were enacted in 1687; but they were rejected by the proprietors, who insisted on the fundamental constitutions. The people on their part, disliked and disregarded the constitutions. Hence arose mutual disgust and

At length, in 1693, the fundamental constitutions were laid aside, and civil discord, for a short time subsided.

These constitutions were repealed by the proprietors, after the accession of William and Mary, and a new plan of government was provided in 1698; but it did not

meet the approbation of the people, by whom it was never acknowledged.

In 1702, in order to pay the expenses occasioned by an unfortunate military entemprize against St. Augustine, the legislature authorized the issue of stamped bills of credit, to be sunk in three years by a duty on liquors, skins and furs. This was the first paper money that appeared in the province, and was the origin of current money, mentioned in many of our acts of assembly, and of what was commonly called eld currency till the close of the revolution. It was denominated current money, to distinguish it from sterling money of England, very little of which was ever in circulation, the balance of trade being always in favour of the mother country.

The credit of this currency was at first equal to sterling, and so continued for about six years; but it afterwards depreciated. The necessities of the government continually requiring fresh supplies of a medium of value for circulation, to defray the charges incurred by Indian and Spanish wars, and other exigencies of a feeble and harassed colony, succeeding emissions of bills of credit too lace. The first

emissions were for four and eight thousand pounds; but in 1712, a public bank established, and the issue of bills amounted to forty eight thousand pounds, which were called bank bills, and like our present bank money might be loaned out on security. This paper currency might be legally tendered in payment of debts, though the bills did not carry interest, and were payable at a future time. Expedients were devised for the purpose of reducing the quantity in circulation, which became at length excessive, notwithstanding the emissions were restrained by the royal instructions. These expedients were frustrated by new emissions. Thirty thousand pounds issued in 1716, and two hundred and ten thousand in 1736.

Yet under all these disadvantages, little or no depreciation took place, after the first five or six years from the date of the original emission, for the space of forty years and upwards. The depreciation, which had soon settled at seven for one, remained fixed at that point with little or no variation, till about the year 1750; and even after that period it continued to be the nominal measure of exchange. The Spanish milled dollar which passed current at four shillings and eight pence sterling, was equal to thirty two shillings and eight pence current money. By this relative measure of value, the amount of fines and forfeitures imposed by various acts of assembly may be correctly estimated.

The last emission of paper currency was in the year 1770, for building court houses and goals, which was rendered necessary by the circuit court act of 1769. The issue was for seventy thousand pounds current money, or ten thousand pounds

The credit of paper currency was now much degraded; and an act of 1782, gave the final blow to it, by taking from it its quality as a legal tender in discharge of

Proclamation money, which is also frequently mentioned in our acts of assembly, acquired that denomination from a proclamation of queen Anne, in the sixth year of her reign, (about the year 1708) the object of which was, to establish a common measure of value for the paper currencies of the colonies. The same species of coins, which were equally rated in all the colonies, and passed at the same value as sterling money, were variously rated, and of different values, in relation to the paper currencies of the several colonies. In some of them the silver dollar passed at eight shillings, in others, at seven shillings and six pence, and six shillings, according to the quantities of paper money thrown into circulation. The standard fixed by the proclamation was, one hundred and thirty three pounds, six shillings and eight pence paper currency, for one hundred pounds sterling. The nominal value of currency was established at one fourth below the value of sterling. The dollar passed at six shillings and three pence, although not quite equal to six shillings and two pence three farthings, proclamation money.

This regulation, though it was respected by the colonial legislatures, was little attended to by the people at large, and the confusion resulting from paper currencies of different values, continued to exist.

In 1700, the government undertook to establish the Episcopal form of religious worship; and persevered in the pursuit of that object, with obstinate zeal, till it was attained in 1706. An act against non-conformity was passed. These measures were extremely odious to a number of the colonists, dissenters and others, who conscientiously refused the communion of the English church. They complained and remonstrated, but all to no purpose. It was a strange, but not an unprecedented circumstance, that a weak colony, anxious to encourage emigrants from abroad, of various Protestant sects, to strengthen itself against foreign enemies, should nevertheless, at such a crisis, insult and persecute their fellow citizens, and Protestant Christian brethren, on account of slight differences in their religious dogmas, and the external ceremonies of worship!

Political and party considerations probably had no inconsiderable influence on the occasion. A profound historian has remarked, that "the religious spirit, when it mingles with faction, contains in it something supernatural and unaccountable; and in its operations on society, effects correspond less with their known causes, than in any other circumstance of government."

An act of 1696, granted liberty of conscience to all Christians, except Papiets. By the act of 1706, for the establishment of religious worship, according to the Church of England, and for creeting churches (for which L 2000 was appropriated) the province was divided into ten parishes. From this act it appears, that the far greater part of the inhabitants of the parishes of St. Dennis, in Orange quarter, and St. James, on Santee, were emigrants from France, and did not understand

the English tongue; wherefore provision was made for using a h translation of the book of common prayer. This act prohibits the celebra. . of marriage,

contrary to the table of marriages, or by a layman.

The admission of French emigrants to equal privileges with the English, gave great offence, and was the cause of bitter revilings and contests. The English considered them as aliens, and entertained towards them the usual ungenerous pre-Judices and antipathies of Englishmen. At one time they were excluded from the legislature, but this illiberal spirit at length abated.

In 1708, emigrants from Germany were furnished with land, one hundred per

head, free of quit rent for ten years.

An act passed in 1715, to apportion the representation in the general assembly, amongst the several parishes; but it was soon afterwards repealed. This encreased the prevailing discontent and hostility towards the proprietary government. The fundamental constitutions had been regarded as inconsistent with the rights and privileges of the people. The council of twelve was now complained of as an innovation. Violent disputes ensued. The governor being the only legal ordinary, under the church establishment, the clergy refused to marry without his license, which the people did not incline to apply for. Hence it became necessary to form the matrimonial contract, without the approbation of the governor or clergy.

In this situation stood the affairs of the colony in 1719, when an organized plan of resistance to the government was developed. The members of the legislative assembly formed themselves into a convention, and entered into a number of resolutions, in consequence of which the chief justice (Trott) was displaced and another appointed in his room. Sundry other civil officers were appointed.

These revolutionary measures, which seem to have been countenanced by the British government, terminated in the complete subversion of the authority of the proprietors, in 1721, when they surrendered their charter to the king, pursuant to a previous agreement, which was afterwards confirmed by an act of parliament 2 Geo. 2.—John lord Carteret only, retained his rights of property to one eighth part, but surrendered his other rights.

When king George the first ascended the British throne, a design was formed to purchase the charter of the proprietors, against which the attorney general was instructed to proceed by scire facias The civil commotions, and revolutionary movements in the province hastened the desired event, and royal government succeeded to that of the proprietors. King George the first appointed a temporary government in 1721; and about the same time the province was divided into North and South-Carolina.

Very few legislative acts passed prior to the year 1682. Chief justice Trott, after a diligent search, could find only nineteen, and those of no great importance. In 1692, an act passed concerning the trial of small and mean causes-In 1695, against stealing canoes-In 1696, to settle the form of conveyances, and grant liberty of conscience-In 1698, to encourage the importation of white servants-In 1700, to appoint courts of sessions and goal delivery, twice a year-In 1706, to establish religious worship, and punish blasphemy-In 1707, to establish the bounds of parishes-In 1710, to establish weights and measures-In 1711, to settle a salary on the public receiver, and erect a new brick church in St. Philip's parish. These were the acts of chief importance to be remembered, which passed prior to the year 1712. In that year a number of very important acts were passed, viz: To put in force certain English statutes; to put in force the act of habeas corpus; an act of limitations; an attachment act; an act to establish free schools, &c. &c. In 1720, an act passed for the amendment of the law; and in 1721, acts were passed for choosing members of the commons house of assembly, for appointing a public treasurer, a comptroller and other public officers; and also, for estabhishing county and precinct courts.

SECOND PERIOD.

The government was fashioned after the model of that of England. Prior to 1730, the legislative authority was vested in three branches: A governor, who was in place of the king; a council, which occupied the station of a house of lords; and a representative assembly, answering to the British house of commons. All authority was derived from the crown.

In 1725, county and precinct courts had been appointed; but afterwards variable hanges took place in the judicative department. A court of king's bench and common pleas, were established; also a court of chancery and a court of vice admiralty. The court of chancery was composed of the governor and council, and a register and master of the court was appointed. The officers of the vice admiralty required by the lords of the admiralty in England. A chief justice appointed by the king, presided in the courts of king's bench and common pleas, to work was associated certain assistant justices, appointed by the provincial legislature, which was styled the general assembly. The other officers of these courts as secretary of the province, a surveyor general, and other civil officers. There was appointed by the crown. The clergy were elected by the freeholders of the parish. The law respecting the formation of juries was revised and established.

In 1739, the representative assembly consisted of forty-four members, who were eligible every three years, by the freeholders of sixteen parishes. Several town-tinct parishes: But Williamsburgh township was for the most part, settled by the royal government, to which it was an adjunct, and all Christians became entitled to equal privileges.

The imposts to defray the charges of government amounted in 1725, to 222,260!. In 1734, to 41,511!. 9s. 10d.—and in 1750, to 150,000!. sterling.

In 1748, the rate of interest was changed from ten to eight per cent. In 1777, it rate of interest.

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The general court held in Charlestown, having swallowed up the county and precinct courts, and being the only court of criminal and civil jurisdiction in the province (except the courts of justices of peace, which had jurisdiction in all civil causes as high as twenty pounds current money) great oppression and inconvenience was felt by the people living remote from the seat of justice; by parties, witnesses and jurors, who were obliged to attend the court, and especially by suitors and proseeutors, who were often worn out by "the law's delay," insulted by "the insolence of office," and ruined by costs and expenses most unreasonably incurred, and cruelly exacted. The facility thus afforded to thieves and dishonest debtors, to escape from the punishment due for crimes committed, and the payment of just debts, drove the people of the middle, and part of the upper country, then the frontier settlements, into the most disorderly and violent measures. The laws which were found ineffectual to restrain and punish horse thieves, and other notorious offenders, were also disregarded by good and honest men, who undertook to do themselves justice, and to punish the guilty by arbitrary authority. The authority of the civil magistrate was held in contempt, as insufficient for the maintenance of order, and the regular execution of the laws. Some efforts were made to repress these disorders, but they were found unavailing. The regulators, as they were called, consisted of respectable planters; and others, who demanded a better system, for the more regular, equal and vigorous, as well as prompt administration of justice. On the other hand, the instruments employed by the government to subdue this spirit of rebellion and enforce the existing system, were men of little or no character or respectability; the obsequious tools of men in power, who abused their authority, and battened on the general distress. At length, in 1769, a remedy was reluctantly applied, and anarchy and unlawful violence yielded to the majesty of the law. An act passed for laying off several districts, or circuits, and authorizing the holding of courts of general sessions and common pleas therein, twice a year, for the trial of causes criminal and civil arising within the same, respectively, "as nearly as may be, as the justices of assize and nisi prius do in Great Britain." Circuit courts wore by this act to be held at Orangeburgh, Ninety Six, (now Cambridge), the Cheraws, Georgetown, Beaufort, and Charlestown-to sit six days, each. But the courts to be held in Charlestown, were not strictly speaking circuit courts. Those Courts were regarded as are the courts of Westminster hall, in England. All writs and other civil process issued from, and were returnable to the court of common pleas in Charlestown; and the practice was similar to that which relates to the

By this act the judges were authorized to determine without a jury in a summary way, on petition, all causes cognizable in the circuit courts, for any sum not sexceeding twenty pounds sterling; except where the titles of land? I doe in question. But each party might claim and have the ment of a jury to the office of provost marshal was abatished, and sheriffs and clerks were appointed.

Many objections were raised to planting the remote colonies of North America; and some sagacious politicians, who saw far into futurity, foretold, that after draining the mother country of inhabitants, they would soon slake off the yoke, and erect in independent government. This accordingly happened.

After struggling some time against the current of the revolution, the authority of the royal government gradually sunk, and finally perished in 1775, when a temporary constitution or form of government was adopted.

The acts of assembly most worthy of being recorded, which were passed during this period, were as follows:

In 1731, a quit rent law, a jury law, and an act allowing of a solemn declaration in room of an oath.

In 1733, to lay off counties; respecting the surveying of lands.

In 1737, against selling offices—and regulating the courts. In 1739, to authorize the building of a market in St. Philip's parish.

In 1740, for the government of slaves.

In 1744, an attachment act—and regulating white servants.

In 1746, a patrol law—and to empower the governor and a majority of the council to hold a court of chancery.

In 1747, to authorize the arming of slaves.

In 1748, to reduce the rate of interest from ten to eight per cent.

in 1767, to build an exchange, a custom house and watch house.

In 1768, to build a work house, and poor house.

In 1769, to establish courts, build gaols, &c.

THIRD PERIOD.

Amidst the tumult of civil strife, the laws were silent, and their place was not always supplied by those of humanity. A form of government was instituted in 1776, pursuant to which an executive magistrate was elected, who was invested with extraordinary powers, under the name of president. This however, soon gave place to the constitution which was established in 1778, conformably to the Declaration of Independence; and the executive officer was named governor. This constitution survived the revolution, and part of it is still in force, being referred to, and unchanged by the constitution of 1790.

Certificates issued in 1774, to satisfy the demands of public creditors. These passed as paper money, at par. The revolution gave birth to other paper currencies, which soon occasioned a depreciation. The current money, now called old currency, was still in pretty good credit in the beginning of the year 1777, although about three millions of pounds were then in circulation. About one million was the amount in circulation in 1764. A flood of continental paper currency, in addition to other paper money, vastly encreased the tide in circulation, and the country was inundated. The depreciation was rapid, and ruinous.

In 1780, the British government being partially re-established in Charlestown, and other places, in the lower country, a kind of military government was exercised. In Charlestown a board of police was instituted, and civil authority revived. Commissioners were appointed by the board of police to take into consideration the nominal and real value of the paper money which had been the medium of traffic, and settle a scale of depreciation, by which contracts might be governed according to equity and good conscience.

These commissioners reported ably, and in detail, and the proposed scheme was partially carried into effect. After the revolution the state legislature, in 1783, proceeded on similar principles, and a scale of depreciation was fixed by an act of

The British government was totally extinguished by the evacuation of Charlestown in 1782, and the capture of lord Cornwallis in Virginia. The legislative authority was exercised at Jacksonsborough in 1782, and civil rule under the constitution of 1778, was completely restored.

The legislative acts of this period, worth mentioning, are as follows:
In 1775, an act to provent counterfeiting notes issued as the representatives of specie.

In 1776, to prevent sedition, and punish insurgents.

In 1777, to reduce the rate of interest from eight to seven per cent. In 1778, to regulate the rates of wharfage and storage.

In 1782, to repeal the laws which make paper currency, or bills of credit a legal tender in payment of debts; and dispose of certain estates, and banish certain persons, who had joined the British during the war.

FOURTH PERIOD.

Upon the restoration of peace and civil order, the attention of the government was directed to the police and jurisprudence of the country. Several acts of assembly were revived and amended. British sterling was now the only standard of value; but the English guinea passed at twenty-one shillings and nine pence, and the Spanish dollar at four shillings and eight pence. An act was passed to ascertain the weight and value of the gold and silver coin in virculation. The scale of depreciation was fixed in regard to paper currency. The mode and conditions of surveying and granting the vacant lands, was settled; and a court of chancery was established. Charlestown was incorporated by the name of Charleston.

As the population of the country extended, the circuit court system established in 1769, was found inadequate to the due and equal administration of justice. To remedy this evil, it was proposed to establish courts of inferior jurisdiction, after the model of the county court system of Virginia and North Carolina.

Mr. Justice Pendleton, one of the associate judges, and an active member of the house of representatives (for these offices were not then incompatible) was the able advocate of this scheme. By his influence and screnuous exertions, it was adopted in 1785. An act passed to lay off the state into counties, and establish county courts. The public buildings for the accommodation of these courts, were to be erected at the expense of the respective counties, and a tax was to be laid for that purpose by the county courts. The courts were to be held once in every three months by the justices of peace of the several counties respectively; and their jurisdiction extended to the hearing and determination of all causes at common law, to any amount where the debt was liquidated by bond or note of hand, or where the damages in certain actions did not exceed fifty pounds, and in other personal actions where the damages did not exceed twenty pounds, or where the titles of land did not come in question. In criminal cases their jurisdiction was extremely limited. The modes of proceeding were prescribed—the forms of process—and the manner of trial. The right of appeal to the superior, or circuit courts was pro-

This system was afterwards, at different times altered and amended. In 1791 it was new modelled. Three judges or justices of the county courts, were chosen for each county, by joint ballot of the two houses of the legislature, to hold the respective courts, which were held semiannually for the trial of causes; but they were allowed no compensation for their services. Two intermediate courts were holden annually, for the transaction of business relating to roads, taverns, and the

Although the administration of justice in these courts was irregular, and in many instances unequal, owing chiefly to the want of legal information in those who were appointed to preside therein, yet they were a great convenience to the community, considering the defects of the circuit court system of that day; and much good, as well as some evil, resulted from their establishment. It was an important step towards the attainment of that improved system which at present exists.

The county court establishments never extended to the districts of Charleston, Georgetown and Beaufort. The inhabitants of those districts were opposed to it; and it was provided, that no county courts should be held in those districts till a majority of the taxable inhabitants should petition for them.

At the close of the war, many were deeply involved in debt; and the accumulation of interest during the revolution aggravated the distress into which they were plunged. A great many others, on the establishment of peace and independence, misled by their sanguine hopes, or regardless of consequences, improvidently contracted debts, which they were unable to pay when they became due. The legis. lature was repeatedly importuned to interpose between debtor and creditor, for the purpose of giving relief to the former, without doing injustice to the latter. This could not easily be done. Various expedients were resorted to, the tendency

greatly inof which was finally to utterly ruin the debtor, and in most instar jure the creditor. Debtors however, obtained temporary relief, w. served to still their clamours, and alleviate their present distress.

Amongst other means employed for the relief of debtors, and to supply scarcity of cash, (which always accompanies the balance of trade, now greatly against the country) an act was passed in 1785, to establish a medium of circulation by we of loan. The bills which issued pursuant to this act, passed as money, under the denomination of paper medium. Some temporary advantages resulted from this measure; but it was the ruin of many, and the public ultimately suffered by it.

In the same year an act passed to effect a revisal, digest and publication of the laws of the state. The preamble to this act states, that "from the long neglect of compiling into one body the acts of the legislature of this state, and presenting the same for the information of the people, the laws have not only multiplied to a great and unnecessary degree, but have also run into obscurity and confusion; and it being necessary to revise and digest the laws enacted under the authority of the British crown, and continued of force, together with those passed since the abolition of that authority; and by corresponding additions, alterations and amendments adapted to the spirit and principles of a republican government, remove the present well grounded complaints of the people for want of such revisal, digest and publication,"—therefore the act was provided. It provides for the appointment of three commissioners, and empowers and directs them to form "a complete and accurate digest of the state laws, with such additions, alterations and amendments" as they should see fit; and to require the production of such records and other public documents, &c. as should be necessary. They were directed to make the establishment of county courts a part of their system; and they were allowed two years for the accomplishment of their task.

The commissioners chosen were, Mr. Justice Pendleton, Mr. Justice Burke, and

Mr. Justice Grimké.

In 1789, the commissioners were called on by the legislature for a report on the subject of their appointment; in consequence of which a copy of their digest was laid before the house of representatives.

Mr. Justice Pendleton had died a short time before the meeting of the legislature. Mr. Justice Burke, in a letter addressed to the president of the senate, in consequence of a resolution of that body calling for the digest, goes at large into an explanation of the nature of the work, its plan and execution.

This letter was ordered to be published; and amongst other pertinent and forcible observations which it contains, are the following: "thus the laws of this country, on which depend the lives and property of the people, now lie concealed from their eyes, mingled in a confused chaos, under a stupendous pile of old and new law rubbish, past all possibility of being known, only to the law professors. I will venture to aver, that there are but very few of our lawyers, that have all our laws, or can point out which of them are in force, or otherwise. The ablest of them

could not in all cases, have separated the grain from the immense heap of chaff, without much time and labour in searching for it."

If the complaint of this distinguished magistrate and eminent politician, was well founded, how much more reason have we at this day to complain, when the same evils are multiplied, and become more inveterate; by the accumulation of new laws,

and the lapse of time?

The digest prepared by the commissioners was not adopted; but many of the laws contained therein, were afterwards passed as separate acts of assembly, viz: The act constituting the circuit courts, courts of record, and giving them original and final jurisdiction; the acts for the distribution of intestates' estates, and the abolition of the rights of primogeniture, and the act concerning escheats.

Another part of the digest provided for a uniformity of decision and practice, by the institution of a court of errors and motions, to be held at the seat of government, at the conclusion of the circuits. This improvement was engrafted in the

constitution of 1790.

Other innovations and amendments contemplated by the commissioners were not approved. They recommended the vesting of the equity jurisdiction in the circuit fourts, and abolishing the court of chancery: They provided a new system for the punishment of crimes, in which banishment was a prominent feature; and they presented a reform of the law concerning juries.

In 1786, an act passed for removing the seat of government from Charleston to town to be built on the Congarce river, to be called Columbia, and provision was

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made for the purchase of suitable lands for that purpose. The seat of govern was accordingly not long afterwards established at Columbia, and the public that place.

In 1787, and 1788, acts passed for appointing escheators, and regulating escheats; for establishing the bounds of prisons, and for the suppression of vagrants: and in 1789, the circuit courts were constituted courts of complete, original and final jurisdiction. In the same year an act passed, directing the manner of granting probates of wills and letters of administration

The delegates of the people, met in general convention at Columbia, in June 1790, established a constitution for the government of the state, conformably to the principles of the constitution of the United States. In this instrument the struggle for power, and equal rights, between the lower and upper country is manifest, and a spirit of compromise and mutual concession may be discerned.

The removal of the seat of government to Columbia had been firmly opposed by a great majority of the people of the lower country, who always reluctantly yielded to an equal participation of power and privileges, with those of the upper and middle country, many of whom were emigrants from other states, and whose manners and habits did not assimilate to those of the parishes in the lower country.

The public offices were divided by the convention between the metropolis, and the seat of government, for the greater accommodation of the inhabitants of the sea coast, and the adjacent parishes. Two treasurers were provided; one to keep his office at Columbia, and the other in Charleston. The offices of secretary of reside at the one place, and their deputies at both those places; the principals to at the conclusion of the circuits for hearing and deciding cases and points of law, ernment.

Thus a sort of duplicate government was instituted, and the ancient predominanty of the lower country in a great measure preserved. And the apportionment of inancy. It was extremely unequal; the lower country having a much greater representation, upon any principle of fair and equal government, than the upper and middle country.

This disproportion encreased every year, by the progress of population, and became so glaring as to excite considerable discontent and animosities. An association was formed, not long after the establishment of the constitution, the object of which was to bring about a reform in the representative system. Robert Goodloe Harper, esquire, who was at the head of this association, and had published a pambrought the matter before the legislature. It was warmly opposed by the members from the lower country generally, and was rejected by a large majority.

In process of time, however, as the upper and middle country encreased in population, and improved in education and knowledge, while the lower country remained stationary in these respects, a more yielding and liberal spirit was manifested; and the more sagacious and calculating part of the community of the lower country, the measure; and a new arrangement of the representation in the legislature was established in 1809, as it now stands in the constitution. A feeble opposition was made to it on general principles; but the mode of reform was the subject of considerable debate.

It was declared to be the opinion of the convention, that the legislature should make effectual provision for revising, digesting and publishing the laws of the state, so as that a general knowledge thereof might be diffused among the citizens. This object, about which the convention, and different legislative assemblies, prior to 1790, appear to have been very anxious, seems to have excited no interest, nor attracted the attention of any subsequent legislature: and indeed the community in a matter of no importance.

In the year 1791, the legislature proceeded to alter and amend the laws relating to the judicial department of the government. The courts of equity were directed to be held at three different places in the state; and witnesses were to be examined in open court. The mode of obtaining injunctions was declared, and other regulations established.

The circuit courts were invested with complete, original and fine districts were erected; and the powers and duties of the judges are particularly declared. The county courts were new modelled: the rights of primogeniture were abolished, and also the fictitious proceedings in the action of ejectment: A more equal distribution of the estates of persons dying intestate was prescribed, and the action of trespass to try the titles to land, combining the action for mesne profits, substituted in lieu of the action of ejectment. Salaries and fees were established, and commissioners appointed to adjust and settle accounts of the treasury department.

In 1794, acts were passed to organize the militia in conformity with the act of

Congress for establishing a uniform militia throughout the United States.

Many other laws were made of considerable importance, (but too tedious to enumerate,) in 1794, and the succeeding years, down to 1798. At this time the administration of justice was extremely tedious and defective. The jurisdiction of the county courts was very limited; and in many of them justice was dispensed in a very loose and imperfect manner. The accumulation of business in the circuit courts had greatly encreased; and the manner of despatching it, was not always the best that might be practised to answer the purposes of public justice, and give satisfaction to the people.

In order to establish a uniform and more convenient system of judicature, a bill was brought forward in the legislature, for instituting district courts, in the several counties of the state, and in small sections of that part of the state wherein county courts were not established, and to arrange those courts into several circuits or

ridings.

The most zealous and able advocates of this project, were William Falconer, esq. a member of the house of representatives from Chesterfield, and William Marshall, esquire, late one of the judges of the courts of equity, a member of the senate. It

was carried, and passed into a law.

This law was afterwards revised and amended in 1799, and county courts which had been retained in the former act, with very limited powers, was now for ever abolished. A supplementary act was passed the same year, providing for every case that might occur under the various changes which were directed to take place in the judiciary system. The appointment of additional judges and circuit solicitors were provided for; courts of ordinary were established in each district; and many other important regulations adopted.

An act passed the same year to establish the office of comptroller of the treasury. In 1801, an act was passed to establish a college at Columbia; and the sum of fifty thousand dollars was appropriated for erecting suitable buildings; also, the annual sum of six thousand dollars, for the purpose of paying the salaries of the officers of the college, and other purposes. In addition to this, an extensive parcel of land, in an elevated situation, was bestowed by the legislature, for the site of the college

edifices.

In the same year, a court of inferior jurisdiction was established in the city of Charleston. The court of wardens had been abolished a few years before.

By an act of 1805, original grants of land were declared to be valid, though wanting the great seal of the state; and the little seal was directed to be thereafter affixed to grants.

In 1808, the state was divided into equity districts and circuits; and the courts of equity were directed to be held by one judge in the respective districts. And a court of appeals for the court of equity was established, to be holden twice a year at both Columbia and Charleston.

In 1809, an act passed ratifying former acts amending the constitution, and reforming the arrangement of the representation in the legislature, which acts had passed in 1808. Sheriffs were directed to be elected by the people of each district, and the judges of the law courts were vested with power to appoint guardians to minors, and in cases of ideocy and lunacy.

An act of 1811, requires the judges respectively to give their reasons in writing, in all cases submitted to them in the constitutional court of appeals. And the judges of the courts of equity are enjoined to observe a similar rule in cases of appeal decided by the state.

ded by them.

In 1812, an act passed against duelling; and another establishing the bank of the state.

In 1813, the dispute with the state of North-Carolina, concerning boundary, n inally settled, and an act was passed on the subject, confirming the treaty made by the commissioners appointed by the two states to adjust the dispute.

To conclude this imperfect and rude sketch of our legal history, the author hopes he may be permitted, in extenuation of his failures, in the compilation of the Digest, as well as in this attempt to trace the civil jurisprudence of the state from its origin, to say, in the language of Dr. Johnson, that "to have attempted much is always laudable, even when the enterprize is above the strength that undertakes it:" and he presumes, however extravagant it may appear, to prefer a wish, that our laws may hereafter be revised, corrected and improved, in such a manner that they may attain that perfection, which the virtuous Sidney (the innocent victim of a vile court and profligate king) predicates of law in general-"Established for the good of the people, which no passion can disturb :- void of desire and fear, lust and anger: -mens sine affectu, mind without passion, written reason, retaining some measure of the divine perfection:-not enjoining that which pleases a weak frail man, but, without any regard to persons, commanding that which is good, and punishing evil in all, whether rich or poor, high or low:-deaf, inexorable, inflexible." "Of law" (says the excellent Hooker, in his book of ecclesiastical polity "no less can be acknowledged, than that her seat is the bosom of God, her voice the harmony of the world. All things in heaven and earth do her homage; the least as feeling her care, and the greatest as not exempted from her power."

A LIST OF JUDGES AND ATTORNEY GENERALS.

JUDGES

		JUD	GES.	
a.				
ilmund Boliun, chief j	ustice; app	ointed :	in 1696; died the same year.	
. Vicholas Trott, about t	he years 1	712—17	18. He was also judge of the provincial	
court of vice adm				
		sen by t	the legislature in place of Nicholas, Trott,	
who was supersed				
Robert Wright, chief j				
I nomas Dale, assistant	: judge of	the cou	rts of general sessions and common pleas;	
70.7		**	appointed March 5th, 1736.	
Robert Austin,	•••	ditto	appointed April 8th, 1737.	
Benjamin De La Conse	illere,	ditto	appointed same time.	
Thomas Lamball,		ditto	appointed April 20th, 1737.	
			n 1739, October 17th; superseded in Nov.	
	ei justice;	appoint	ted November 7th, 1739; removed in 1749,	
being paralytic.	. :		171 1 544 1740	
Isaac Maryck, assistan		ppointed		
William Buil, junr.	ditto	,,	same time.	
Robert Yonge,	ditto	22	February 12th, 1740.	
Othniel Beale, John Lining,	ditto	39	July 3d, 1741.	
James Grame chief in	ditto		August 15th, 1744. une 6th, 1749; died in 1752.	
Charles Pinckney,	ditto	nurea a	September 201, 1759	
Peter Leigh,	ditto	**	September 22d, 1752.	
John Drayton, assistan		>>	October 27th, 1753; died in 1759,	
James Michie, chief ju		. 29	October 9th, 1753. September 1st, 1759; died in 1760.	
William Simbson, assist	ant judge:	appoint	ted February 27th, 1760.	
Robert Pringle,	ditto	mppom.	March 3d, 1760.	
William Simpson, chief		27	January 24th, 1761.	
Charles Skinner,	ditto	**	January 9th, 1762.	
Robert Pringle, assista		29	March 23d, 1762.	
	ditto	**	November 21st, 1764.	
Robert Brisbane,	ditto	**	November 1st, 1764.	
Rawline Loundes,	ditto	37	February 7th, 1766.	
Benjamin Smith,	ditto	99	February 28th, 1766.	
Daniel D'Oyley,	ditto	23 '	March 1st, 1766.	
George Gabriel Powell,		. 30	August 10th, 1769; superseded in 1772.	
Thomas Knox Gordon,	chief justi	ce; app	ointed May 13th, 1771.	
Edward Savage, assista	int judge;	appoint	ed May 30th, 1771.	
John Murray,	ditto		November 18th, 1771.	
John Fewtrell,	ditto	99	November 19th, 1771.	
Mathew Coslett,	ditto	27	April 23d, 1772.	
William Henry Drayton	, ditto	29 .	January 25th, 1774.	
William Gregory, .	ditto	>>	November 4th, 1774.	
William Henry Draytor	, chief jus	tice; ap	pointed April 12th, 1776.	
John Mathews, assistan	t judge; ap	pointed	l April 17th, 1776.	
Thomas Bee,	ditto	37	April 15th, "	
Henry Pendleton,	ditto	v	April 17th, "' died in 1788.	
Ædanus Burke,	ditto	"	April 1st, 1778.	
Thomas Heyward,	ditto	>>	February 25th, 1779; resigned in 1789	
John Fauchereaud Gri	mké, ditto	33	March 20th, " 1783.	
Thomas Waties,	ditto	>>	February 2d, '" " 1789.	
William Drayton,	ditto	>>	March 17th, " 1789.	
John Rutledge, chief j	ustice; ele	cted an	d commissioned February 16th, 1791; re-	
signed in 1795.				
Elihu Hall Bay, associ	ate judge;	;	ditto February 19th, 1791.	
William Johnson, junr.	judge of t	t he cour	rts of general sessions and common pleas;	
elected and comy	nissioned F	'ebruary	y 10th, 1800 ; resigned May, 1804.	
Ephram Ramsay,	ditto I	Sectable	er 19th, 1799.	
Lemia Trevenant	ditta I	7-8	- 10th 1000 . Jad Pakarame 15th 1000	

Pebruary 10th, 1800; died February 15th, 1808.

Lewis Trezevant,

ditto

JUDGES OF THE COURT OF EQUITY.

6. Ædame Remba Com sans	7. William Marshall, (com. 1800) 8. William James, 9. Waddy Thompson, (com. 1805) 10. Heary Wm. Desaussure, (1808) 11. Theodore Gaillard, (1808) 12. Thomas Waties, (1811.)

ATTORNEY GENERALS.

David Grame, appointed January 11th, 1762.

James Moultrie, appointed pro tem. January 30th, 1764; resigned in September.

Jehn Rutledge, appointed September 17th, 1764, pro tem.

Egerton Leigh, appointed June 5th, 1765, in room of D. Grame.

Alexander Moultrie, appointed April 13th, 1776.

John Stus Pringle, appointed December 20th, 1792.

Langdon Cheves, appointed December 17th, 1808.

John S. Richardson, appointed December 6th, 1810.

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54/ Corporations.

THE FOLLOWING TITLE WAS MICROFILMED FROM THE HOLDINGS OF

BROWN UNIVERSITY

ALPHABETICAL DIGEST

STC.

THE PUBLIC STATUTE LAW

SOUTH-CAROLINA.

IN THREE VOLUMES

BY JOSEPH BREVARD,

Une of the Judges of the Courts of General Sessions and Common Pleas, and an Associate Judge of the Constitutional Fourt of Appends of the State of South-Carolina.

VOL. U.

CHARLESTON, (S. C.)

PUBLISHED BY JOHN HOFF, NO. 117, BROAD-STREET!

1814.

District of South-Carlina, to wit:

BE IT REMEMBERED, That on the twentieth day of September, Anno Domini, one thousand eight hundred and fourth, and in the thirty-ninth year of the Independence of the United Scales of America, John Hoff has deposited in this office, the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"An Alphabetical Digest of the Public Statute Law of South-Carolina. In Three Volumes. By Joseph Breward, one of the Judges of the Courts of General Sessions and Common Pleas, and an Associate Judge of the Constitutional Court of Appeals of the State of South-Carolina."

In conformity to the act of Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books, "to the authors and proprietors of such copies, during the times therein mentioned." and also an act, entitled "An act supplementary to an act, entitled "An act for the encouragement of learning, by securing the copies of maps, charts and books, where authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

JAMES JERVEY, Clerk of the District of South-Carolina.

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DIGEST

OF THE

Statute Law

SOUTH CAROLINA.

TITLE 108.

Lands.

1. AND be it enacted, That from and after the said first day . TIT. 108. of Trinity term, no claim or entry to be made of or upon any lands, tenements, or hereditaments, shall be of any force. A. D. 1705. or effect to avoid any fine elevied or to be levied with proclams- St. 4 An. c. 16. tions, according to the form of the statute in that case made P. L. 96. and provided in the queen's court of common pleas at West- No claim or minster, of any lands tenements or hereditaments, or shall be force to avoid a sufficient entry or claim within the statute made in the twen- free levied ty-first year of king James the first, entitled, An act for limi- with proclatation of actions, and for avoiding of suits in law, unless upon mations, &c. such entry or claim, an action shall be commenced within one unless as ac-year next after the making of such entry or claim, and proyear next after the making of such entry or claim, and prosecuted with effect.

2. And from and after the said twenty-ninth day of Sep- such entry tember, 1732, the houses, lands, negroes and other heredital made. ments and real estates, situate or being within any of the said A.A. 1759. plantations belonging to any person indebted, shall be liable St. 5 Geo. 2. to and chargeable with all just debte duties and demands of c. 7. to and chargeable with all just debts, duties and demands of P. L. 250. what nature or kind soever, owing by any such person to his Madeliable to majesty or any of his subjects, and shall and may be assets satisfy debts, for the satisfaction thereof, in like manner as real estates are &c. as personby the law of England liable to the satisfaction of debts due al catale.

[·] Fine-finis. A final agreement, or conveyance of record, of lands, &c. Anciently it was a determination of a real suit; afterwards it became a feigned action upon a writ of covenant, in order to assure the title of lands, and cut off entails. Fines are levied or acknowledged in a court of record, according to the stat. de fimbus 18 Ed. 1. which is not of force here. There is a great deal of learning in the books on this subject, which is altogether useless to us in this country.

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ALPHABETICAL DIGEST

OF

THE PUBLIC STATUTE LAW

OP

SOUTH-CAROLINA.

IN THREE VOLUMES.

BY JOSEPH BREVARD,

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VOL. III.

CHARLESTON, (S. C.)

PUBLISHED BY JOHN HOFF, NO. 117, BROAD-STREET.

1814.

Jun

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"Court of Appeals of the State of South-Carolina."

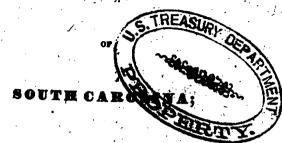
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JAMES JERVEY, Clerk of the District of South-Carolina.

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STATUTES AT LARGE



EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

THE FOLLOWING TITLE WAS

MICROFILMED FROM THE HOLDINGS OF

BROWN UNIVERSITY

THOMAS COOPER, M. D.-L. L. D.

VOLUME PIEST,

CONSTITUTIONAL CHARACTER,

ARRANGED CHRONOLOGICALLY.

COLUMBIA, S. C. PRINTED ST.A. S. JOHNSTON, A.

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COMMUNICATION

To His Excellency George M Duffie, Governor of South-Carolina:

Siz—Herewith I transmit the collection of materials meant to form the first volume of the Statutes at Large of South-Carolina. They can easily be arranged for the Printer under my own superintendence and inspection, when the plan of the volume is finally settled by a Committee of the Legislature, and when it is finally decided whether any and what parts of the proposed materials shall be excluded from the volume. They consist of

First, The acts, documents and proceedings of a constitutional character, all of which the Editor considers as expedient to be adopted. The reasons of his opinion are contained in the preface to the work herewith transmitted.

Secondly, The legislative acts of Assembly, as adopted and arranged by Judge Grimke, in his 4th edition of the public Laws, from the year 1694 to 1740. From the condition of the very early acts of Assembly in MS. and the want of present interest in the subjects of them, the Editor has not thought fit to commence, earlier. All the English Statutes declared of force by act of Assembly, or any other reason, or under any other authority, are inserted with the specific reasons for their insertion.

Thirdly, The sections and clauses of acts which Judge Grimke has rejected as obsolete or repealed: these have been copied from the original acts, because it appeared to the Editor desirable that the laws should be presented unmutilated by any private authority; and for the reasons also assigned in his preface. Whatever order shall be finally taken on this part of the collection, the Editor will comply with, and if this supplement to the hitherto mutilated acts as published shall be adopted, the Editor will take care of their due and orderly insertion.

Fourthly. The notes and references of the Editor to such acts as seemed to require illustration and comment. He has inserted to each act, where they were called for, a reference to every other act subsequently passed, relating in whole or in part to the same subject matter: a reference also to every decision thereon, throughout the twenty two volumes of South-Carolina Reports.

The plan of this work cannot be finally and satisfactorily adjusted, till it has been submitted to the inspection of His Excellency the Governor, and through him to the Legislature. When the plan is settled, the Editor will proceed therein with as much despatch as is consistent with accuracy.

I have the honor to be, respectfully, sir,
Your obedient servant,
THOMAS COOPER.

^{*} But see the Report of the Judiciary Committee of December 9, 1835, manimously depted by the Legislature, inserted at the end of this Preface, directing the present edition to teamence with the laws of 1682.

PREFACE.

THE legislative records of South-Carolina commence in 1682: from that time to the present, no plan sanctioned by public authority has been formed and executed to collect, revise or digest our written Laws. The acts of Assembly have continued to increase by annual additions, preserved chiefly in loose and fugitive publications, until it has become extremely difficult to make a collection of our laws that shall form the basis of any future revision, condensation, or digest. Of these laws, enacted during a period of more than 150 years, many have been repealed, many have become obsolete, others have been at various times altered and modified, many have been passed without a due reference to former enactments, many British Statutes have been adopted by formal and direct reference, others have been made of force indirectly and as a class of statutory provisions; until the Statute Law of South-Carolina has become a confused mass of legislation, difficult to be collected, and still more difficult to be clearly understood by the citizens who are required to obey its regulations. Revisal, condensation, amalgamation, and something in the form of an intelligible digest, have become absolutely necessary; and every year of neglect adds to the labor and the difficulty of performing this indispensable duty.

It is manifest, that before any step of this kind can be taken for the future, it is necessary to have under our view the whole ground occupied by past legislation. We must know, precisely, what has been done, why it has been done, when it has been done, and how it has been done, before we can to work to assertain with reasonable certainty what remains to be done. I have endeavored to supply this went by collecting in a chronological series the whole mass of our public legislation, accompanied with such notes and references, as may tend to chicidate what has been, and facilitate what remains to be accomplished.

A collection of the laws of the Province of South-Carolina was made by Chief Justice Trott, about the year 1736. It was in folio. It comprised all the acts of Assembly then in force, together with the titles of such other acts as had been passed from the first settlement of the country. Judge Trott, a learned and labourious Jurist, and during many years a person of great influence in South-Carolina, died 21st January, 1740, aged 77 years.

Judge Grimke, in the year 1790, published a collection of the laws of a public nature, then deemed in force: with the titles of all the acts passed

from the first establishment of civil government in the Province. His collection ends with the Constitution of June 3d, 1790. Judge Grimke has excluded all the acts of Assembly that have been repealed, that have expired, or that, under his view of the subject, have become obsolete. These cases of exclusion he has adopted, with a latitude that I dare not follow, and which sometimes has been exercised too loosely in his work. It by no means, therefore, supplied the great desideratum of the Bench and of the Bar—a work that might be fairly called the Statutes at large.

The digest of the Laws published by Judge Brevard, in 3 volumes, 1814, exhibits, perhaps, more sound judgment, as well as more laborious research, than the collection by Judge Grimke: but as Judge Brevard's compilation was intended for a manual only, it was not calculated to satisfy the wants of the profession or of the public. From that time to the present, upwards of 20 years, acts of Assembly have been annually heaped on each other, without any adequate means of cautious reference to what has been done precedently. Hence, I have carefully considered the wants of the profession and of the public in this respect, and have determined to submit to the Legislature, through the Governor of the State, a publication that shall fulfil the idea of the Statutes at large; and which shall serve as an adequate basis or platform for future operations by the Legislature, and more satisfactory decisions by the Courts.

The resolution of the Legislature, December, 1834, under which I act, runs as follows:

"The Committee on the Judiciary, to which was referred the resolution to inquire into the expediency of procuring to be compiled and published the Statute Law of this State, now of force, with a digested index thereto—and also that part of the Governor's Message on the same subject—having had the same under consideration, respectfully recommend the adoption of the following resolution, viz:

"Resolved, That His Excellency the Governor be authorized and requested to employ some fit and competent person, to compile under his direction the Statute Law of this State, with a digested index thereto: that he be requested to communicate at the next Session of the Legislature the progress of this work, and the compensation he may deem just and equitable should be paid to the person thus employed: and that the Governor be further authorized to pay from time to time such sum or sums as upon inspection of the work he may deem equivalent to the labor actually bestowed on the same by the person thus employed."

In considering this resolution, I have thought myself authorized to put such a construction upon it, as would best answer the object intended, and comport with the constitutional power of the Legislature.

I am required to compile an edition of the Statute Law of South-Carolina: is it to be an imperfect and mutilated edition of our public Law, or one that will answer the description of the "Statutes at large?" I have preferred the latter: because, it is better to insert somewhat too much than somewhat too little: because, the reasons for a present law, are often derived from, and the law itself elucidated by, the imperfections it is

meant to supercede: because, we cannot understand the former defects, or the progressive improvement of our legislation, unless by a full series of our public Laws placing it under our view: because, rights become vested during the continuance of Laws subsequently repealed, which the courts cannot decide on, without reference to the repealed statute, under which they originated: because, present legislation is enlightened by the reasons that have occasioned former enactments to be rejected. These considerations appeared to me sufficient to justify, in a national work, the insertion of Laws of a public nature, that have been repealed. It is not a manual that is at present in question; but the body of the Statute law of the State. Nor can any manual worth looking at, be compiled, unless it be based on this full and complete collection of the Statutes at large.

I have not deemed myself authorized under this resolution to decide what part of our statute law is of force, and what is not of force—what is obsolete and what is yet valid. Because, although ministerial authority may be delegated, legislative authority cannot. I should hold myself sadly wanting in due respect to the Legislature, if I were to conceive myself at liberty, under this resolution, directly or indirectly to abrogate what they have thought fit heretofore to enact; or to declare any thing as law under my own authority. This is a power too great to be intrusted to any individual, even if the constitution did not forbid it. That instrument gives the power of repealing a law, that is the power of declaring it is not in ferre, to the legislature alone. The 7th article of our Constitution enacts, That all laws of force in this State at the passing of this Constitution, shall so continue until altered or repealed by the Legislature, except where they are temporary, in which case, they shall expire at the times respectively limited for their duration, if not continued by the Legislature. Moreover, it was solemnly decided in 1814, Cohen v. Hoff, 2 Tread. Con. Rep. 657, that the Governor has no discretionary power of appointment to the exercise of judicial functions: he must confine himself in this respect strictly within the constitutional limitations. Farther, in 1817, when the trial by battle was demanded on an appeal of murder, in the case of Abraham Thornton, in the court of King's bench, the Judges were of opinion that they had not the power of declaring this barbarous mode of decision obsolete, either from disuse or its manifest absurdity: they determined that it must be abrogated, not by them but by the Legislature : an act of parliament was accordingly passed, 59 Geo. 3, ch. 46.

An act of Parliament cannot be repealed by non neer, White qui tem v. Bett, 2 Term. Rep. 275. Such an opinion may have prevailed at different times in England, but it is unfounded, and has no warrant in our law.—Dwarris on Statutes, p. 672. The French law (Discours preliminaire du premier projet du Code Civil,) acknowledges that a law may become obsolete from desuetude by universal consent, but expressly declines laying down any rule or formal provision on the subject, from the danger that might thence arise.

In the face of these authorities, how can I presume to decide, by omitting its insertion, what law is obsolete or not-what law is in force or notunless where legislative authority has expressly defined the line of my duty in the case before me? I may (as I shall do) suggest that a law is obsolete, but I cannot leave it out, if it bears on the face of it a public character.

If it be a good rule to be cautious in committing discretionary authority, it is a still better rule to be cautious in assuming it; and I hope to be forgiven if in my own case I feel the necessity of this caution. I have therefore thought fit, on mature consideration, to submit to his Excellency the Governor the following plan of publication, viz:

To insert first, all the laws of a CONSTITUTIONAL character, relaing to South-Carolina as a Province, and as a State.

I have inserted Magna Charta, the Petition of Right to Charles 1st, the Habeas Corpus Act, and the Bill of Rights; partly under the specific enactments, and partly under the authority of the following section of the Act of Assembly of 1712. (Grimke's Public Laws, p. 98) viz:

"SEC. 3. All the Statutes of the Kingdom of England, relating to the Allegiance of the people to her present Majesty Queen Anne, and her lawful successors, and the several public oaths, and requiring the tests to be subscribed by the people, and also all such Statutes in the Kingdom of England as declare THE RIGHTS AND LIBERTIES OF THE SUBJECT, and enact the better securing the same; and so much of the said Statutes as relates to the above mentioned particulars of the allegiance of the people to their Sovereign, the public oaths, and subscribing the Tests required of them, and THE DECLARING AND SECURING THE RIGHTS AND LIBERTIES OF THE SUBJECT, are hereby enacted and declared to extend to, and to be of full force in this province, as if particularly enumerated in this act."

It is true, that much of these ancient English documents are now in fact obsolete; the provisions therein enacted have done their duty, and they are in great part superceded; but as the Legislature of South Carolina has thought fit expressly to enact and adopt them, and has not yet seen fit to reject or repeal them, I am bound to insert them; nor can I exercise a discretionary power of rejection in direct defiance of an existing law of the land.

All the Statutes at large of England, in all their editions, commence with the amended Magna Charta of Henry III., as re-enacted and copfirmed by Edward I. This was the case with Joseph Keble's edition, adopted by the Provincial Assembly, Dec. 1712. The Great Charter of King John, the charter, by way of eminence, of our Historians, was not then known to the public by any authoritative edition. It has been made known since by the publications principally of Rapin the Historian, Sir William Blackstone, the engraved fac simile of the Cotton library manu script, and the last magnificent edition of the English Statutes at large, recently published by Mr. Cooper, under the authority of the Parliamentary Committee. From these sources now before me, I have thought it

desirable to republish it in my first volume, under the authority of the 3d Section of the Act of 1712, and the discussion in the 1st vol. of Bay's Rep. 384 et seq. These documents have undoubtedly suggested our American idea of written Constitutions. The Colonial Charters laying at the foundation of our Laws, I have deemed it necessary to republish with Chief Justice Trott's useful remarks. The Constitution of John Locke, though not formally adopted by the Legislature, I was compelled to republish, because the language employed in some of our early acts of Assembly would be unintelligible without a reference to that document.

All the other acts, constitutions, and illustrations of the legislative proceedings of the State, inserted under the class of CONSTITUTIONAL documents, are well worth preserving as parts of our constitutional and legislative proceedings; and unless contained in this publication, they would in a few years be lost, no more to be collected or remembered.

The second part of this work will consist of our LEGISLATIVE enactments, or public laws properly so called; repealed and unrepealed, obsolete or otherwise; with notes and references designating such laws or parts of laws as may be repealed, or considered as obsolete in a popular sense, although not so declared by any legislative authority; the only existing authority, that has the right to expunge them: an authority, which in my opinion the Legislature cannot delegate to any man or set of men. It is the high and exclusive prerogative of our Legislature; to be exercised by them and by them alone.

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Act of Parliament of 1729, establishing the agreement with seven of the Lords Proprietors, and their surrender of Carolina.

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The Bill of Rights, 1st William and Mary, 1688.

The Constitution of South-Carolina, 26 March, 1776.

Act establishing an oath of abjuration and allegiance, 13 Feb. 1777.

The Constitution of South-Carolina, 19 March, 1778.

Act enforcing an assurance of fidelity and allegiance to the State, 28 March, 1778.

Declaration of American Independence, July 4, 1776.

Articles of Confederation, July 8, 1778.

Act of Cession of Virginia of her title to land north-west of the River Ohio, 1 March, 1784.

An Ordinance for the Government of the Territory of the United States north-west of the River Ohio. 13 July, 1787.

Resolution of Congress respecting the same, July 7, 1786.

Supplementary act of Virginia, 30 Dec. 1788.

Constitution of the United States, 17 Sept. 1787, with amendments.

Report of the Committee of the Senate of South Carolina, Dec. 12, 1827, on the nature and origin of the federal government, page 69 of the Reports and Resolutions, in the pamphlet laws of December Session, 1827.

An act to provide for the calling of a Convention of the People of this State, passed 26 Oct. 1832. (See appendix p. 1 to the Pamphlet Acts of 1834.) The Convention met Nov. 19, 1832.

An Ordinance to Nullify certain acts of the Congress of the United States, purporting to be Laws laying duties and Imposts on the importation of foreign commodities. (See Journal of the Convention, p. 47, 24 Nov. 1832); with the report of the Select Committee, accompanying that Ordinance. (See Journal of the Convention, p. 27) 24 Nov. 1832.

An Address to the People of South-Carolina, by their Delegates in Convention, 24 Nov. 1832. (See p. 54 of the Journal of the Convention.)

The Address of the Convention to the People of the United States, 24

Nov. 1832: (See p. 68 of the Journal of the Convention.)

An Act to carry into effect, in part, An Ordinance to nullify certain Acts of the Congress of the United States, purporting to be Laws laying duties on the importation of foreign commodities, passed in Convention of this State, at Columbia, on the twenty-fourth day of November, in the year of our Lord 1832. Passed 20th December, 1832. (See Pamphlet Laws for 1832, page 15.

An Act concerning the Oath required by the Ordinance passed in Convention, at Columbia, 24th day of November, 1832. Passed 20th day of Dec. 1832. (See Pamphlet Laws for 1832, p. 22.)

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Report of the Committee, to whom was referred the communication

of the honorable B. W. Leigh, Commissioner from the State of Virginia, and all other matters connected with the subject, and the course which should be pursued by the Convention at the present important crisis of our political affairs. Adopted 16th March, 1833. (See Journal of the Convention, p. 166.)

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An Ordinance to Nullify an Act of the Congress of the United States, entitled An Act further to provide for the Collection of Duties on Imports, commonly called the FORCE BILL, 18 March, 1833. (See Journal of the Convention, p. 129.)

The present Constitution of South-Carolina, with the amendments to

Documents, References, and Acts of Assembly relating to the BOUND-ARY LINE.

Judge Brevard's Observations on our Legislative history; with additions.

Of the preceding catalogue of acts, statutes, ordinances and documents, the greater part must necessarily be inserted. Concerning some of them, doubts may arise whether they might not be omitted in this edition, altho (as the Editor conceives) there is indisputable legislative authority for the insertion of every one of them: and as this work is not likely to be undertaken again for many years to come, it seems far better to admit a few pages more than are absolutely necessary, rather than leave our legislative history incomplete. Nor will the debateable matter now offered and proposed for insertion, occupy more than a third part of the volume at the utmost. When we see the long continued trouble, and the immense expense dedicated by the British Legislature to a work of the same kind, with the most decided approbation of the British public, we can hardly have any reasonable objections to incur a five hundredth part of that expense, in order that we may leave nothing to be desired by a man of legal research, whose professional duties compel him to resort to our collection.

But there is no need on the present occasion to appeal to the liberal example of the British Government in preserving the documents of their legislative history, in the late edition of their Statutes at large; for, on the 7th day of December, 1827, our SENATE

Resolved, That it is desirable and expedient to procure from the Office of the Colonial Department in England, copies of such papers and docu-

^{*} See the Collection of Laws of the United States, relating to public Lands : collected under a resolution of the House of Representatives, 1st March, 1836, and an order dated 19th Feb. 1837.; published by Gales & Seaton, 1833.

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ments as relate to the history of this State; beginning with the Charter of Charles 2d, in the year 1662. [As the present editor has also done.]

Resolved, That his Excellency the Governor be, and he is hereby requested to take measures for procuring a List of all such papers; also, for ascertaining whether it be practicable to obtain copies of the same, and what will be the probable amount that may be required to pay for them.

Ordered, That it be sent to the House of Representatives for concur-

rence.

By order of the Senate,

JOB JOHNSTON, C.S.

In the House of Representatives, Dec. 7, 1827.

Resolved, That the House do concur in the resolution.

Ordered, That it be returned.

R. ANDERSON, C. H. R.

What was done in consequence of this resolution does not appear. But on the 17th December, 1828, the preceding resolution was again passed in the same words, with an additional resolution, that a copy be furnished to His Excellency the Governor by the Clerk.

Which resolutions were concurred in by the House of Representatives, on the 18th Dec. 1828. (See pamphlet Laws and Resolutions for the year 1828, p. 37 of the Reports and Resolutions.)

Now, although these resolutions proceeded from a liberal and enlightened view of public expedience, yet the historical documents thus contemplated to be obtained, are not to be compared as to immediate and practical utility with those which the editor proposes to insert in the Constitutional department of the present volume. At any rate, his proposal of preserving these documents as exhibited in the present table of contents, is in perfect harmony with, and in pursuance of the spirit and intentions of the Legislature, twice over expressed in the above resolutions.

It seems to the Editor, moreover, that no future digest, code or collection of the whole or part of our Law, whether under legislative sanction or as a private undertaking, can be accurately or satisfactorily made, unless by the aid of these Statutes at Large with the accompanying notes and references, as a Basis and a platform whereon to build. It will be satisfactory to know what laws have been repealed, rejected, or lost in desuctude, that we may better understand the grounds and reasons of the more modern substitutions. All that can be reasonably required oy any future compiler up to this time, ought here to be found, as I trust it will be. Such, then, are the reasons that induce me to offer this plan for the consideration of the Governor, and through him, of the Legislature; with whom it will ultimately rest to determine how much of it, if any, shall be rejected from the volume.

The succeeding part of the work will be appropriated to acts of a public character, passed by our Provincial and State Assemblies, and will be strictly LEGISLATIVE, comprising (for reasons above given) the acts repealed and not repealed; the acts presumed, but not expressly declared by the Legislature to be obsolete; and those that are undoubtedly in force. These will be accompanied with notes and references to acts of Assembly, and to reported cases decided in the Courts of our own State. The Index will be made up during the printing of the sheets, as is usual, because the paging cannot be inserted before.

When this edition of the Statutes at large of our own State, on the plan now proposed, shall be completed with a separate Index to each volume, the Editor contemplates making up a full general Index of all the Laws of a public nature that have been enacted; arranged under appropriate heads, and comprising a digested summary or code of the Statute Law of the State as it stands; and this will complete the work so far as the views of the Legislature appear to extend.

Indeed, the main object in view with many persons at the present time, is a full and accurate digested INDEX of all our statutory enactments an Index that may serve as a Code and Manual of our Statute Law, for popular use. It is certainly desirable that such a work should be undertaken and acccomplished; and I propose this as part of the duty I have myself undertaken. But such has been our irregular and miscellaneous Legislation, and so many are the acts and parts of acts that have relation to one and the same subject, intermingled with other matter in clauses and places so unlooked for and unexpected to the generality of persons who consult our acts of Assembly (as will be apparent from the notes and references even now presented) that I assert without fear of contradiction, such a digested Index or Code cannot be prudently attempted, until the present edition of the Statutes at large, with the notes and references accompanying it, shall have been completed. This edition such as I propose to make it, will be of absolute necessity as a foundation whereon to build the more brief and popular compilation desired. With all the aids that can be furnished, a very difficult and laborious work it will prove to be; and it should not be commenced, till all those aids are actaally afforded, so that the compiler may have the whole ground before him.

This Prospectus is respectfully submitted to his Excellency the Governor, with a request that if he should approve the suggestion, it may undergo the examination of the Committee of the Legislature, to report how much of this plan shall be adopted or rejected, and how, and in what size the work shall be printed, and by whom.

THOMAS COOPER.

The Editor submits whether the numerous Laws referable to the following heads, would not be more conveniently collected to form a volume by themselves at the close of the work, viz:

The series of Laws concerning Supplies and Appropriations. These should not be left out, because it is satisfactory to know the manner in which supplies have been raised from time to time, the objects upon which the public money has been expended, and how much each has cost. These items will undoubtedly come in aid of future legislation, and form a necessary part of our legislative history.

The laws concerning Roads, Rivers, Bridges, Ferries, Canals, and Rail Roads.

The Series of laws respecting Incorporated Societies.

The series of laws relating to the City of Charleston.

The series of laws relating to the Militia, Cavalry and Artillery.

The series of laws relating to the Colored Population.

The series of laws relating to the arrangement of Circuits, Circuit Courts, Courts of Common Pleas and Quarter Session, Courts of Equity, Constitutional Courts, and Courts of Appeal.

Each of the preceding classes comprises so many laws, that if they be dispersed through the volumes chronologically, a reference to them, even with the aid of an index, will be extremely troublesome and laborious. If they be collected together, and each class arranged according to the order of date when each law was passed, the convenience of consultation and desirable accuracy, will be greatly facilitated.

All which is respectfully submitted, by

THOMAS COOPER, M.D. L.L.D.

December 9th, 1835.

THE COMMITTEE ON THE JUDICIARY, to whom was referred that part of the Governor's Message, which respected his proceedings under the Resolution adopted at the last session of the Legislature, authorizing a Digest of the Statutes to be prepared, beg leave to

REPORT.

That they have examined, with all the care which their time permitted, the materials prepared by Dr. Cooper for the work in which he is engaged, and the plan which he purposes to adopt in its prosecution; they are not only satisfied with the laborious research and sound judgment which are exhibited, but they cannot doubt if he is enabled to fill up the outlines which have been presented, the work will be of inestimable utility to the public, and form a lasting monument to the learning and ability of this distinguished iurist.

The Committee recommend that the Digest be completed on the plan submitted by Dr. Cooper, in his preface, commencing with the legislative records in 1682, and that the work be published by him with the aid and counsel of two gentlemen to be appointed by the Legislature.

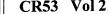
As the Committee regard it as of the last importance to secure the entire intellectual powers of Dr. Cooper, and as the proposed work requires much and severe manual labour, they recommend that he be permitted to employ a clerk, to whom the salary of five hundred dollars shall be allowed for his services.

They also recommend that the suggestion of the Governor be adopted as to the salary to be paid to Dr. Cooper while engaged in the prosecution of the work.

Respectfully submitted,

B. F. DUNKIN, Chairman.

The above Report was unanimously adopted by both Houses of the Legislature.



BROWN UNIVERSITY
MICROFILMED FROM THE HOLDINGS OF

THE FOLLOWING TITLE WAS

COLUMNICA

ARRANGED ORROROLOGICALLY.

CONTAINING THE ACTS PROM 1688 TO 1716, INCLUSIVE,

AOPUNE SECOND

THOMAS COOPER, M. D.-L. L. D.

THOMAS COOPER. M. R.-L. L. L.

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

SOUTH CAROLINA

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STATUTES AT LASSES

ADVERTISEMENT CONCERNING THE NUMBERING OF THE ACTS.

Tue original manuscript Public Acts, are numbered for many years in regular succession, in red ink; but there are occasional omissions and interruptions in the series of the numbers: The Princts Acts are numbered separately; and for some years a class was made of Temporary Acts (T. A.) not regularly continued; these also mere separately numbered. From the year 1719, the numbering coases;-the last number of the public Acts is 390, on the manuscript original. The numbers adopted by Chief Justice Trott, in his folio collection of the Laws of South Carolina, 1736, follow the original manuscripts so far as No. 181, or to the year 1700-1, page 85 of Trott's Laws. Judge Grimke in his collection of the Public Laws of South Carolina (quarto, 1790) pursues the original numbering so far as No. 185, A. D. 1700-L. Thenceforward the two collectors neither agree with the original manuscripts nor with each other. Judge Grimke's collection of the Public Laws commences with No. 111, A. D. 1694, emitting all the previous Acts; and he proceeds, but with so many omissions of Acts and sections and paragraphs, without laying before his reader satisfactory authority for these principals, that his work cames be regarded as anthority. The able digest of Judge Brevattl, is too much of an abridgement to be estisfactory to an accurate lawyer. Hence the necessity of laying before the public a collection that shall really fulfil the title of The Statutes at Large of South Carolina, to the only satisfactory basis for the reasonings of the Court and the Bar, and for the future operations of the Legislature in altering, smending improving, or condensing the Statute Law of the State, as it now imperfectly and confuedly exists.

The original manuscript Acts, when I have done with thinn, I shall deposit in the Secretary's office; and to render them checks on the accuracy of the present publication. I have rejected the numbers of Trott and Grimke, and followed in that respect, and in all possible cases, the minimisering of the original Acts. But these numbers are not always to be found on the Acts that exist; and so many of the older Acts in manuscript, are lost, destroyed, defaced, or mutilated, from various accidents, that the numbering adopted in the present edition, must be of necessity in many cases conjectural. In such cases, I have carefully looked over the series of Acts of the session, and then consulting the previous numbers of the original Acts, and the discrepant

Nov. 15,1897

11675

arrangements of Trott and Grimke, I have assigned the number wanting, upon a careful consideration of the best evidence the nature of the case afforded me. The class of Temporary Acts (T. A.) being numbered separately, renders an uniform and regularly consecutive system of numbering impossible to be adhered to throughout. The temporary Acts are also public Acts, but they are neither classed or numbered as public Acts. In fact, in the early period of our legislation, nine-tenths of all our public Acts were temporary; very few of them being enacted for more than two years, which period was afterwards extended (if deemed expedient) by continuing and reviving Acts. Wherever the introduction of temporary Acts has created an unavoidable anomaly in the numbering, it is noticed: so that the consultation of the original manuscripts, where they exist, will be easy to those who wish to avail themselves of the Acts deposited. Many of the Acts included in the series of Trett and Grimke, are contained in the first volume of this edition.

The present edition of the STATUTES AT LABOR, will doubtless contain many Acts that have been repealed, which have expired, or become obsolete, and therefore in a great measure useless. Let this be determined by the only competent authority, the Legislature. To the history of our legislation, a collection like the present absolutely necessary. Nor ought any compiler to exercise without authority a legislative function, however plain the case may be.

The original manuscript Acts have no marginal summaries to the sections; where these are wanting, I have supplied them.

An Ordinance of the Assembly, of September 21, 1721, numbered 455 in this edition, directed a committee to be appointed to revise the laws; and contemplated the possibility of the work not being completed within one year. It appears from Trott's collection, p. 382, that the whole number of Acts that had then been passed, was 471. Of the proceedings of this committee, if any took place, no record remains. One hundred and sixteen years have now passed since that committee was raised. It was appointed to act on the legislation of thirty-eight years, when the infancy of the Colony, under the English laws, required but few additions. The public laws to the period of the Constitution in 1790, amount to sixteen hundred. The number of public Acts from 1790 to 1836, are about one thousand.

THOMAS COOPER, EDITOR.

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N. B.—The Acts which are referred to the last volume are marked thus *; those e which the titles alone are now to be found, are left unpaged.

- A. D. 1682. No. 1. An Act for the observation of the Lord's Day. May 26, 1682. Confirmed by Act No. 28.
 - 2 An Act for the suppression of Idle, Drunken and Swearing Persona, inhabiting within this Province. May 26, 1682. Confirmed by Act No. 98.
 - 3 An Act for Highways. May 26, 1688.
 - 4 An Act for settling the Militia. May 26, 1682.
 - 5. An Act for raising a Tax of £400, or the value thereof, for defraying the publick
 - 683. 6 An Act to enspend processation for foreign debts. September 26, 1663.
 - 7 An Act inhibiting the Trading with Servants or Slaves. Sept. 25, 1682. Quere, if this ought not to be 1683? See Nos. 24, 60, 21, 125.
 - 8 An Act for reising the value of Forraign Coyn. Sept. 25, 1688. (Qn. 16837)
 - 9 An Act for the Tryall of Small and Mean Causes, under 40a. Sept. 25, 1633. See No. 30, 43, 55, 56.
 - 10 An Act for Servants arriving without indentures or contracts. See Acts No. 28, 40.
 - 11 Ad Act concerning the Highways. Sept. 25, 1683.
 - 18 An Act for raising a Tax of £300 sterling, for the deflaying the publick charges of this Province. Sept. 25, 1682.
 - 13 An Act for preventing the taking away of Boats or Canoca. Sept. 25, 1883. See Nos. 26, 136.
 - 14 An Act for marking all sorts of Cattle. Sopt. 25, 1688.
 - 15 An Act for demage of Protected Bills of Exchange. Sept. 25, 1883. See No. 28.
 - 16 An Act for regulating the Surveyor General's feet. Sept. 26, 1683. To continue during the time that Meurice Matthews is Surveyor General.
 - 17 An Act for accertaining Public Officers Press. Sept. 25, 1683. For 23 months.
 - 18 An Act to prevent uniformed Taverns and Punch Houses, and for the accertaining the ... zates and prices of Wine and other Liquers. Sept. 25, 1683. For 23 months.
 - 19 An Act to prevent Runeweys. Nov. 7, 1681. See Act No. 28, 188.
 - 1685. 20 An Act for settling the Milbin. April 11, 1685,
 - 81 An Act for the relating of \$200 specifing, besides the Assessor's particular assessments for the defraying the public charges of this Province. April 11, 1685.
 - 22. An Act for the settling of a Pilet. April 11, 1685.

(The eriginals of the preceding Acts are not new to be found. The titles of them are preserved in Trott's Laws of South Carolina, pages 1, 2, 2.)

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	It is Felony to commit Rape. A married Woman elopeth with an Advouterer. 13
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•;	The Bill for burning of Frames. 37 H. 8, c. 6.
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	1 Ed. 6, c. 19
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٠. ١	Libertica, in cases of Execution. 29 El. c. c
	An Act that no person robbing any House in the day-time, although no person be
	therein, shall be admitted to have the benefit of his clergy. 39 El c. 15 50
	An Act to prevent Perjury and Subornation of Perjury, and unnecessary expenses
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	An Act against fraedulent administration of Intestates goods. 43 El, c. 850
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	Husbands be dead. 1 J. 1, c. 11
• '	An Acte against Conjuration, Witoheraft, and dealings with Evill and Wicked
	Spirits. 1 J. 1, e. 12.
•	An Act to repeal the Statute made in the first year of the reign of King James the
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	crafts; and to repeal an Act passed in the Parliament of Scotland in the ninth
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	such persons as present to exercise or use any kind of witchcraft, sorcery,
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	An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths. I W. & M. c. S.
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,	paid in a reasonable time. 2 W. d. M. c. 5
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·	An Act for the relief of Creditors against fraudulant Devines. 3& 4 W.&M. c. 14. 53 An Act to provent France by Cambesine Horizones. 4& 5 W. & M. c. 16. 53 An Act for delivering Declarations to Principles. 4& 5 W. & M. c. 18. 53 An Act for the more effectual supportance Propheto Carning and Swearing. 6& 7 W. 3. 11
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	As Ast manifest the Practices of Low to take the Ouths and subscribe the
	Declaration therein mentioned. 7 & 8 W. 2, c. 34.
	An Act to enable posthumous Children to take Estates as if born within their
	father's life-time. 10 & 11 W. 3, c 16
	An Act to enable his Majesty's natural-born Subjects to inherit the estate of their
	ancestors, either lineal or collateral, notwithstanding their father or mother were
	aliens. 11 & 12 W. 3, c. 6
	An Act to declare the alterations in the Oath appointed to be taken by 13 W. 3, c. 6.
	1 Am, st. 1, c. 22.
	An Act for punishing of accessuries to Felonies and Receivers of stolen goods, and
	to prevent the wilful burning and destroying of Ships. 1 Ann, st. 2, c. 9543
	An Act for giving like remedy upon Promissory Notes, as is now used upon Bills of
	Exchange, and for the better payment of inland Bills of Exchange. 3&4 Ann, c.9. 544
	An Act to enable Infants who are seized or pomessed of Estates in fee, in trust, or by
	way of mortgage, to make conveyances of such estates. 7 Ann, c. 19546
	An Act for the better security of Rents, and to prevent frauds comfitted by tenants.
	8 Ann. c. 14.,
	Appendix to the English Statutes made of Force.
	He that challengeth a Jury or Juror for the King shall show his cause. 33Ed.1, s.4549
	In what place Bustardy pleaded against him that is been out of the Realm shall be
	tried. \$5 Ed. 8, et. 9
	No person shall be condemned without his unever. 28 Ed 3, c. 3
	Upon an antrue suggestion in the chancery, deseages may be awarded. 17 R.S. c.6. 350
	A Corpus cum Causa, or Certiorari, to remove him who is in execution at another
	men's suit. 2 H. 5, st. 1, c. 2
	None shall sue a Subporna until he find surety to entisfy the Defendant his damages,
	if he do not verify his bill. 15 H. 6, c. 4
	The Bill concerning the Explanation of Wills. 34 & 35 H. 8, c. 5
	An Act for the more speedy and affectual proceeding upon distresses and avowries
	for Rents. 17 C. 2, c. 7
	An Act for reviving, continuing and explaining several Laws therein mentioned,
	which are expired and near expiring. 4 & 5 W. & M. c. 24
	An Act for the more effectual relief of Creditors in cases of Escapes, and for prevent-
	ing of abuses in Prisons and protended privileged places. 8 & 9 W. 3, c. 27553
	An An An An An Annual Company of the Owner's Board and Mont
	An Act for the better preventing Escapes out of the Queen's Bench and Flost
	Prisone. 1 Ann. st. 1, c. 6
	An Act for rendering more effectual an Act passed in the first year of her Majesty's
	zeign, entitled an Act for the better preventing Escapes out of the Queen's
	Bench and Fleet Prisons. 5 Ann. c. 9
	An Act for the more effectual discovery of the death of persons pretended to be
	alive, to the prejudice of those who claim Estates after their deuth. oAnn, c.18. 561
	An Act for accertaining the rates of Foreign Coins in her Majesty's Plantations in
	America. 6 Ann. c. 9
٠	An Act for the better Preventing of excessive and descritful Geming. 9 Ann, c. 14. 565
	An Act for readering the proceedings upon Write of Mandamus and Informations in
	the nature of a Que Warminto more speedy and effectual, and for the more easy
	trying and determining the Rights of Offices and Franchises in Corporations
	and Boroughs. 9 Ann. c. 90
	An Act for the more easy recovery of Debts in his Majesty's Plantations and Col-
	onies in America. 5 Geo. 3, c. 7
	An Act for the more effectual securing the payment of Rents, and preventing frends
	by Transis. 11 Geo. 2 c. 12
	An Act for avoiding and platting an end to certain doubts and questions relating to the
	attendation of Wills and Callab southerning Real Printer. In that part of Great
	Britain called England, and in his Milesty's Colories and Plantations in America. 25 Geo. 2 C. C.
•	Apperton. 25 Geo. 2, c. 6
	State of the state

1719	203	An Act for settling the Titles of the Inhabitanti of this Province to their possessions in their Estates within the same, and for Limitations of Actions, and for
	***	avoiding Suits in Law
8	•	ing and residing beyond the See, or elsewhere without the times or the Province of South Carolina, and to subject a Feme Covert that is a Sole Trader to be arrested and sucd for any debt contracted by her as a sole trader. 588
	325	An Act for the better relief of the Poor of this Province
	396	An Act to make perpetual the several Acts therein mentioned
•		An Act for settling the Island called Palewanes, upon the Cosabos Indians, now living in Granville County, and upon their posterity for ever
	328	An Act for appointing an Agent to solicit the affairs of this Province in the Kingdom of Great Britain
	329	An Act for printing the Laws of this Province
		An Act to accertain a Fund for cancelling the sum of Seven Thousand Five Hundred Sixty and Six Pounds Four Shillings and Eight Pence Half-penny, in Bills of Credit, (that is to say) the sum of £2566 4s 8d half-penny, the remaining bills uncancelled of the £4000 made by act of assembly for the carrying on the Northern Expedition against the Tuscororaes, and the sum of £4000 more, being so much directed to be paid to the Publick Receiver by an est estitled an Act for the making the sum of £33,000, &c. for which there has not been as yet my fund appointed; as also to nominate shother Commissioner of the Fartifications and Magnaine in Charlestown, and for the more speedy recovery of small duties.
	331	An Act for reviving and continuing the several Acts therein mentioned, which are
• :		ernined or new graining.
	*123	An Act for raising the Sum of One Hundred and Nineteen Pounds on those persons who by an act of assembly entitled an Act for making and mending Highways, &c. ratified in open assembly the eighth day of October, see thousand six hundred and minety-eight, are specially appointed to make a Highway or common Read upon Thomas Island, and the North-west side of Wande river; and also en those persons who, by one other set of assembly entitled an additional act to an act for making and mending of Highways, ratified in open assembly the fifth day of November, Anno Doua, one thousand seven hundred and nine, are appointed to keep in good and sufficient repair the Bridge over the Croek on the north-west side of Thomas Island, commonly called the Wading Place, in order to pay and reimburse Colonel Robert Daniel, jr., who built and crected the said Bridge.
1713	333	A Declaratory Act concerning the several Acts of Assembly of this Province that are repealed, and also concerning the adjournments of the Commons House of Assembly
,	234	An Additional Act to an Act entituded an Act for the better relief of the Poor of this
	*335	An additional Act to an Act entituded an Act to prevent and suppress Fire in
		An additional Act to an Act entituled an Act for building and arecting a Bridge and Causways over the River at the landing of Mr. William Stanyame, and one other Bridge or Causway from the landing of Mr. Thomas Scabrook to the land of Madem Firsheth Blake, over Wadmalaw River
•	237	A A A of the appointing two Scout Canoes, and providing necessaries for the same. 807
	33	An Act to prevent Wines the growth of the Western Islands to be imported must can Province as Wines of the growth of Maders; and for lessening the duty of light These Rives, not weighing sixteen owners.
	33	Communication of the communica

	•	
	34	An Act for the more speedy commencement and prosecution of Suits of Law in the Court of Common Pleas in this Province
	*34	An Act for the keeping and maintaining of a Watch and good order in Charlestown. 613 An Act to settle a Guard in Johnson's Fort on Windmill Peint. [T. A. No. 14.]613
14		. An Act for avoiding deceipts in selling of Reaf and Park Disch and The Disch and
		Turpentine, by appointing Packers in several parts of this Province. [T.A.15.] 615 An Act to revive and continue several Laws and paragraphs of Laws, and for
		repealing and making void some clauses in another Law
		and personal, of the inhabitants of this Province. *An Act for the mending and keeping in repair the Causeway over Cumbee River,
	342	The state of the s
	*343	Santee, in Craven County, in the Parish of St. James
		Creek, and finishing the Road to Port Royal, and making a Bridge over South Edisto River
. •	•344	An additional Act to an Act entituled an Act for the better ordering and governing of Negroes and all other Slaves
	*345	An additional Act to an additional Act to an Act, entituled, an Act for preventing the Sea's further encreachment on the Wharff of Charlestowa, and for repairing the Bastions, Half Moon and Redoubts on the same
	*346	An Act for making a High-Road out of Ashley River Road to the Plantation of Thomas Osgood, near Pou-pon River
	*347	An Act for cutting, clearing and making a convenient Creek or Water-course thru'
•		that part of the land belonging to Mr. John Jones, commonly called the Hallover
	348	An Act for appointing an Agent to solicit and transact the publick affairs of this Province in the Kingdom of Great Britain.
15	349	An Act for avoiding Deceipts in Selling of Beef and Pork, Pitch and Tar, Rozin and Turpentine, by appointing Packers in several parts of this Province.
		An additional Act to an Act entituled an Act for raising the Sum of Two Thousand Pounds of and from the Estates real and personal of the Inhabitants of this Province, ratified in open assembly the 18th day of December, 1714; and for laying an additional duty on all Negro Slaves imported into this Province from any part of America.
•		An Act for the mending and keeping in repair the Causways over the Marshee of Combee River, in Colleton county.
. *.	350	An Act to confirm and justify the proceedings of the Right Honourable the Governour, the Honourable the Deputy Governour, and the rest of the Members of the Council, in their acting for the service of his Majesty and the Lords
	351	Proprietors in defence of this Province
	•	An Act to impower the Right Honourable Charles Craven, Esq. Governour, Capt. General, &c. with the cases of his Conneil, to raise Forces to carry on the War against the Indian Epomies and their Confederates, and also to establish Martial Law in this Province.
		An Act for the appointing agents to transact the affairs of this Province with the Governour of Virginia and the Governour of Maryland, and to accommodate the articles already made with the Governance of Virginia, to the mutual astisfaction of all that are therein concerned.
	354	An Act to raise Porces to presecute the War against our Indian Enemies, and to stamp Bills of Credit for the payment of the Army, and defraying the charges

	of the Wat, and to assertain a Fund topicaling the same Bills, and to
•	appoint Courts Martial, and to prohibit the Experiation of all European Goods,
265	and Corn and Pees, and raw Hides, and tanned Leether, and Magro Slaves. An Act to raise the Sum of Thirty Thousand Pounds, of and from the Estates real
	and personal of the Inhabitants of this Previoce, in order to sink the like sum
	of Thirty Thousand Pounds in Bills of Coolis, stampt for the more speedy
	carrying on and defraying the charges of the Weragainst our Indian Enemies
	and their Confederates, as also for raising the Sem of Thirty Thousand
•	Pounds towards discharging the Debts contracted by the publick since the commencement of the War
356	An Act for raising Forces to prosecute the War against our Indian essences, and to
-	stamp Bills of Credit for payment of arrears due to the Soldiers enlisted in the
	Army by the late Act, ratified the 27th of August last, and to prohibit the
~-	exportation of Corn and Pease
357	An Act to appropriate the Yamosee Lands to the use of such persons as shall come
	mto and settle themselves in this Province, and to such other persons qualified as therein mentioned
358	An Act to encourage the importation of White Servants into this Province
359	An Act to lay an imposition on Liquots, Goods and Marchandizes, imported into and
•	exported out of this Province, for the raising of a Pund of Money towards the
	defraying the publick charges and expences of the Government
360	An Act to continue the Currency of Thirty Thousand Pounds in Bills of Credit,
	stamped and made by virtue of an Act of the late General Assembly of this
	Prevince, entituled an Act to raise Forces to prosecute the War against our Indian Ecemies, and to stamp Bills of Credit for the payment of the army and
	defraying the charges of the War, and to accertain a Fund for cancelling the
	same Bills, &c. ratified in open Assembly the twenty-seventh day of August,
-	one thousand seven hundred and fifteen; as also to continue the currency of
	Pive Thousand Pounds in Bills of Credit, made by virtue of an Act of this present General Assembly, ratified the twenty-fourth day of March, one
	thousand seven hundred and fifteen, entituled an Act for mising Punds to
	procedute the War against our Indian Enemies, and to stamp Hills of Credit for
	payment of arrears due the Soldiers enlisted in the army, &c. as also to
	stamp the Sum of Fifteen Thousand Pounds in Bills of Credit, for supporting and carrying on the present War against our Indian Enemies, and defraying
	the charges of the same; and also to raise and levy the Sum of Kinety-five
	Thousand Pounds, (that is to say,) Thirty-five I housand Pounds for this pres-
	ent year, one thousand seven hundred and sixteen, and the sum of Thirty
•	Thousand Pounds per annum for the two succeeding years, of and from the
	Lands and Negroes of the Inhabitants of this Progines, for the paying off and discharging the Publick Debts already contracted or to be contracted by
	reason of the present Indian War or otherwise, and in order to sink the said
	several sums of Thirty Thousand Pounds, Five Thousand Pounds, and
	Fifteen Thousand Pounds, stamped and to be stamped in Bills of Credit as
	aforesaid, and for other the purposes hereinafter mentioned; and for appor-
	tioning the sum of Sixteen Thousand Pounds, part of the aforesaid Tax, on the Merchants and other inhabitants living and residing within the limits of
	the town plat of Charlestown
360	An Act for the better regulation of the Indian Trade, by impowering the Commis-
	sioners therein named to manage the same, for the sole use, benefit and behoof
	of the publick
361	An additional Act to an Act to prevent deceipts in selling of Bass, Pork, Pitch, Tar,
	Rosin and Turpentine.
363	An Act to appoint a Press Master, and lay a penalty upon any person or persons that shall refuse, upon oath, to appraise such Goods and all other Necessaries
	as shall be impressed for the service of the publick.

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363	An Act for Reviving and continuing the several Acts therein mentioned, which are
364	An Act to intpower the Commissioners appointed to stamp Fifteen Thousand Pounds in Bills of Gredit, to pay for Thirty-ture White Servents, purchased by the Honourable the Governour, to be employed in defending this Province against our ensures, as also to pay for their maintenance before they were delivered into the Governour's passession
365	An Act to keep inviolate and preserve the freedom of Elections, and appoint who shall be deemed and adjudged capable of choosing or being chosen. Members of the Commons House of Assembly
366	An Act for appointing Rangers to guard the Frontiers of this Province against the Incursion of our Indian Ensuries, and for making a further provision for the Garrisons of Port Royal and Savano Town.
367	An additional Act to an Act emittaled an Act for the better Regulation of the Indian Trade, by improvering the Commissioners therein named to manage the same, for the sole use, benefit and behoof of the publick
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ACTS OF THE PARLIAMENT AND GENERAL ASSEMBLY OF SOUTH CAROLINA, OF A MUNICIPAL CHARACTER.

PREPATORY OBSERVATIONS.

The collections of the Public Lause of South Carolina, are-

1st. That of Chief Justice Trott, in folio, 1736; commencing with Act No. 86, October 15th, 1692, and ending with Act of 30th May, 1734. The last act inserted in full, is one of the 9th April, 1734.

2nd. The Public Laws of South Carolina, edited by John Fauchergud Grimke, Esq. 4to, July, 1790. Commencing 1694 and ending James ry, 1790.

3d. The alphabetical Digest of the Public Law of South Caroline, in 3 vols. Sec. 1814, by the honorable Judge Joseph Breyard.

Neither of these collections gives the respective Acts full and complete. The Compilers have rejected the Laws and parts of Laws which they found to have been repealed, or which they considered as obsolete. A work fulfilling the title of the Statute at Large, remains therefore a desideratum. The present Editor has proposed to publish such a collection, as completely as the existing materials will permit.

The original Acts from No. 1, to No. 22 are not now to be found. They extend from 1682 to 1685. Some of the others are so obscure from age, from dampness, or in other respects so mutilated, as not to be every where legible. In copying them, the Editor has avoided inserting any words from mere inference or conjecture, although he has occasionally made out a dubious passage by collation. Where he has been pompelled to omit a few words from defect in the manuscript, he has substituted asteriaks.—— • •

The remarks of Chief Justice Treet, and Judge Grimke, on the various acts and sections of acts, as being obsolete or otherwise, are preserved. They are to be regarded and respected as the opinious of able and learned Judges, deliberately formed on a puryless of the acts in their connection; but not as authority to render any act charlets which the legislature has not thought fit to repeal. That authority is (in the opinion of the present Editor) not to be speculed gran to the decisions of the judicial bench. It would be desireable, if the Judges of the Appeal Court were to report annually to the Legislature such defects and alterations in the Statute Law, as the practical experience of those VOL. II.—1.

THE FOLLOWING TITLE WAS MICROFILMED FROM THE HOLDINGS OF BROWN UNIVERSITY

EDITED, UNDER AUTHORITY OF THE LEGISL.

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573. An Additional and Empleastery Act to an Act to keep lavis. Actives one aspectory out to mission transport at Act to keep inves-lity, and property the fineless of Menion, and appoint who shift he demand and aljudged-equitie of chaning or being chosen Members of the Garantee Meyer of Assentity; duely existed in open Assentity the Menual, day of Mesenthes, 1716. 374. An Act to popul the dist distant of antist of Astembly of this Province enti-

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A. R: 1737. No. and also part of one other Lat of the Parliament of Great Britis, made in the seventh year of the rigon of his said present Majorty, outstaind " an Ast for the more effectual preventing the forging the assessance of Bile of Cachenge, or the numbers or principal some of accountable receipts for notes, bills or other securitys for payment of mency, or wastunts or orders for payment of meany or delivery of goods, and for the more effectual patting in execution the said several Acts in this Pro-654. An Act for establishing a road from the head of the path that leads from Decchester to Capt. Izard's Cowpen, to the Township of Orangeburgh 472 * 836. An Act for keeping in repair the Read that leads from Westow Savannah to the plantation of Capt. Poter Taylor, in St. Paul's parish, commenty called War Hallyand for continuing the said Road to the most convenient 187. Am Act to impower the Commissioners of the high-roads for the marish of St. John's, in Berkley county, and the several parameter of St. Thomas and St. Donnie, to rebuild and knop in recair a Bridge commonly called Hager's Bridge, on the Eastern branch of Cooper river, running between the mid parish of St. John's and the mid parishes of St. Themes and St. Dearis, and for altering the bounds of the said parishes of St. Thomas 628. An Act for raising the sum of thirty-four thousand one handed and eight pounds eixteen shillings and six pence, current money of the Previous of South Carolina, for defraying the charges of the Government for one year, commencing the twenty-fall day of March, one thousand seren handred and thirty-siz, and ending the swenty-fifth day of March, one thousand seven handfed and thirty-seven; and for antiving the sun of one thousand pounds now in the heads of the Publick Treasure, that being the surplus of the country tax raised in the general tax for the year 619. An Act for probibiting and preventing the exportation of corn. need, intill rice. flour, and biscuit, flom this Province to any other place except the colomy of Goorgia, and for the encounging the importation of these commedities.

639. An Ast for cottinuing a duty and inflycition of three pence per gallen on flow imported, and for mining a Fund to Rainh and keep lapped the new brick Church in Charlestown, and for the carrying on and ministings the fertifications in this Province. 631. An additional and explanatory diet to an Aut for advancing the Salaries of the Cheggy, and for a further, more equal and effectual provision for the re-Miles the poet. 632. An Act Spiner to impower the Commissioners for regulating Piles for the next and leaders of Charlestown 633. An Act for easing the Tex of the current year by the Inhebitants of this Prowince, by appendicing certain surplus money in aid of the mind. 634. An Act for settling a Pair and Markets in Redner, in the parish of St. Helen. in Granville county. 635. An Act for making and beering in receir the road that leads from Wests Sevessels road out the East side of Post Pour liver, to Museuve Ferry, and from thombs to Parker's Forry road in St. Paul'apprish, and to appains Commissioners for the name > 3000/1

636. An Aut the uniting a new Life of the names of persons fit to serve as Junes, to be desput by ballot, in this Province. Last he the better regulating the Millis of this Province.

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640.	An Act to appoint an agent to solicit this officer of this Province in Great
	oraco.
- *641.	An Act for establishing a Ferry at a point on the main land belonging to Mr.
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	for resting the same in the said Hngh Bryan and his heirs, for the space of seven years
* 643.	An Act for appeinting Commissioners to lay east a road or canasaway over
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643.	therein hentioned
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644.	An Act for easing the port charges to coasting vessels entering into and clearing
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648	Western boundary of Williamsburgh Township
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649.	All not by the period sections the trial of twenty-seven threshold see handled
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	and seventy one pounds four shillings five and a quarter peace, due to the public from the extest of Algusalde Parrie, Esq. decreased, late Pub- lick Treasurer and Receiver of comprision.
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	An Act for reising the sum of eight thousand three hundred and fifty-seven possible two shillings and seven justice, outrest money of the Province of
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-		a for promuting ingressing threstoling beginning and expensessations, in
	657.	the said Town and Market
		An Act to calling and cancell on Act varieties th Act for incorporating the ven- try of the parish of St. Thomas, in Buthley county, and to could the anid ventry shore effectually to put in destroiten the treats repeated in them. by the last will and testament of Elekard Borosford, Eng. deceased, no-
. •	,	try of the parish of the Tables, to Section the trade section the
•		has the first will and texterness of Blabant Benefied For decreed on
		cording to the chartestic and plour bioseless of the said testator, and to
		- acide and adjust the several restding of these persons who have acted
		as vestry-men in and for the said stiffalt of St. Thomas, since the decrease
		of the mid Makerd Beriefeed, and to give library to the mid vestry to
		take out of their capital stock and fitterest, a sum outlideat for building
		a School
	656.	An Act for preserving peace, and cottinuing a good-correspondence with the
•		Indiant, who are in friendship with the Government of South Carpline,
		and fir regulating the Trade with the said Indiana
	659.	An Ant for the botter scourtey of the inhabitance of this Province against the
		interpretism and other placed attempts of Regross and other slaves. AssAux to reatmin and provens the purchasing Lands from Billion
	661.	ArrAct to rectain and prevent the purchasing Lands from Billion
		An Art file establishing a Ferry over the River Strength, side Fallachneoling.
	- 54	on the had of the Henourable General Jenses Ogietherps, and for vest-
		ing the same in the said Gest. James Ogfethorpe, his heim and assigns,
	•	for the space of 15 years
	663.	An Act for greating to His Majorty the seas of thirty five thousand eight han-
•		dred and histychese possile de skillings and cloves pense three far-
		things, for definition the charges of the Coversment for one year, our
	• • •	meaning the triesty-lifth day of March, one thousand seven hundred
		eath thing-eight, infiltedro, and ending the twenty-lifts day of Merch, in
		the year of our Lord our thousand seven hundred and thirty-sine, ex-
*		chaire. And the texing transitions passing towards supporting and disfin- taining the Watch and Guard in Chadestown
		taking the Watch and Outed in Challestown
0.	661.	An Act to appoint persons to serve in Jurya, purposent to the directions of an
		As of the General Amountly, pessed the twentisth day of Aggrast, in
		the year of our Land one thousand seven hundred one there-one, 1961-
		the yearse car Land one thousand seven hundred and thirty-one, inti- tion "on Lot confusing and establishing the entirest and approved me- thods of destains Junya III. Bullistin the Province, and for the better ad-
		Mark of Committy and States of States of the control of the Control of States of State
		minimizes of jardes for afficient courses, and for applicability of Special Course for the tryal of the passes of mentions persons, disting the pow-
		or of the Propert Merchill, for allowing the percol of deeds beyond the
		sees so evidence, and for sepesting the elvered Acts of the General As-
		sembly therein montleand, and for appointing a serment to be preached
	. 7	on the first day of array Churt of General Services of the Perce, Over
	_	and Technical Action and General Coal Dalivery
٠	. 665.	An Act constraining manuscraft approximations
	866,	An Act to could Commissioners themin person, to borrow and take upon loan
		is seen not exceeding two thousand primate storking, and to eachle cortain
	• •	ether Commissioners therein mout. I, to stome and sign certain orders, to
		the passent of twenty-five themseld pounds, convent mency of this Pro-
	•	vince, he defluying the expense of earthin success; and faces to assist
		General Culesburge in an benedikan against His Reporty's common as
		Augustan and other places in Plantis, and for the better preventing of
٠		mathy and Secretion
	, (=1.	An Act to just each the delay of Justice by the mon-opposition of grand and polly Justice at that County of Grand, Sections of the Peace, Oyer and
		path James at the County of General Applicant of the Peece, Over and Turindens, Ambas and Gosperal Spail Delinery, horsesfor to be holden in
		the Charless and to enable the paid Charte to recease man in
	· 🧗	this Historia, and to couble for tail County to proceed upon business in

B,	No	668.	An Act for making more model Fort Johnson and Fort Frederick, and the seve-
٠,	:-	τ	ral Lock-come that now or horounder shall be kept or established near any
		~	
		669,	An Act for the better strengthening of this Processes has a very second
	~ 1		TO COLUMN THE SECOND COMPANY OF THE COLUMN T
	- 1		and the depropriation (as miles to the many therein mentioned and the
	• .		granded to the property 8 duty and imposition on Firmon and other Conde
			and starting seek for the man of the residuely of this December 2
	•	670.	and not see the petter organing and governing Narrose and select Clause in this
			1 1 V Y 1 2 C C C C C C C C C C C C C C C C C C
		671 .	AN AN SET LISE DELLET SEEDINGS and rescalation Daniel.
	•	672.	All Att to the size state Drains into the North and West Reanches of Stone
			DUVOT
		673.	All Act for granting like Mosety the sum of Sur thousand and sinker to-
	•		possess three shallings and serves pence current money. So deferming the
			entarges of the Government for one year, commencing the 94h day of
			march, 1739, metanye, and ending the 25th day of March, 1740, excha-
		CTI A	E74
		674.	An Act to encourage the better settling and improvement of Beaufort Town, on
	٠.	675	PUR MOYAL IMADA, IN GIRARVILLA COURSEY.
		0/3.	An additional and explanatory Act to an Act entitled an Act to encourage the
			better settling and improvement of Beaufort Town, on Port Royal Island,
		676.	in Granville County. 573
			An Act to enable the Publick Treasurer of this Province to issue the sum of
			fifteen themsand persons currency, out of any funds now lying in the
			hands of the said Treasurer, in lies of a lean of two thousand pounds
			storling, which curtain Commissioners are enabled to borrow by virtue of an Act of General Assembly, lately passed, for defraying the expence of
			certain succours and forces to assist General Oglethorpe, in an expedi-
			tion against his Majosty's onemyo at Augustine, &c., and also to enable
			contain Commissioners therein mentioned, to stamp and sign a further
			sum in orders, to the amount of eleven thousand ave hundred and eight
			pounds current measy, for supplying the additional expenses of the said
			EXDECIDED, and which he the said Act are not remained from
	• (577 .	An Act for regulating the buildings hereafter to be erected or built in Charles-
		•	town, and for preventing encreachments on the streets lanes and and
			no alleys within the said Town, as the streets, large, and raphic allege
			stood on the 17th day of November has
•	• (578.	All Act for veeting the Berry over Ashiev river in Plinsheth Relliness within
			her executors, administrators and assigns, for a term of years therein
			menuogeda
	•	579.	An Act to enable George Pawley Daniel Lesoch, and William Whitanide, Re.
			quires, Commissioners appointed for building a Parish Church and Page
			sonage House in Georgetown, to carry on and complete the same and for
			repealing part of an Act intitled "an Act to repeal an Act for appointing
		•	a Chappel at Echaw, in the parish of St. James. Santes, in Craven Conn.
			ty, and for erecting two other Chappels in the same parish, and to provide
	. •		that the Rector for the time being of the said Parish, de preach and per-
<u>.</u>			form Divine Service in the English Tengue."
	·		As stiditional Act to an Act estimied an Act for the better regulating Taverne
		18 1.	and Punch Houses
		-34. :	no not opposing a senige ever Combee river, from the Caneev to the town
	· i		of Radnor, and declaring the Fish Pond Bridge in the Parish of St. Bar-
	:		tholomow, to be a publick bridge; and for repairing or building a Bridge
	•		now standing is the upper part of the Parishes of St. Thomas and St.
			Decreis, commonly called Ashbey's Bridge; and for other purposes here-
		-	in mentioned
	- 6	03.	An Act for discharging the Commissioners appointed by Act of the General
			Assembly of this Province to lay out a read or eassey over Lynch's

Del.	He.	learned, from any further duty, and for the sector and more easy regulating
•	. ARS	** *** Secretar the mane in preser for the ferma
	_	An Act resisting and making the office of a Constable more easy and less ex-
.•	684	An Act to revive and exertings the several Acts therein mentioned; and its obliga
:	_	Commissions of the Wetch in Charlestown to do some hour and do
		
	P 665	" The said and recording to provide states of free parameter for the defence of the Security of
1	684	or cours Carolina
		others, to actin in Towns and Villages upon the passes over rivers and other places in this Prevince
*	• 667	· And the property & Fighty an Deather proces in the ways backing flows Charles
		. 10WB 10 Williamburgh, and for vesting the said Ferry in Joseph Manusc
		All executors, administrators and assistant for seven water and to eachly
		the Commissions of the sublic made pear the said Farry to law our
		make and keep in repair aread an each side of the said river, leading to- wards the said Ferry; and for declaring the read leading from Wadhoo
		Bridge to Palmer's Ferry to be a private read; and for continuing the
	<i>3</i> .	Posses in the parish of St. John, in Berkley County, to the places should
,	. 8	30000000
		we would star blocked to be brook the man of thirth-right through
		some numbered and fifty-three pounds three shellings and two names for
	•	thing, and for applying the sum of eight thousand six hundred and nine- ty-two pounds thirteen shillings and eight pence three farthings, (being
		the surples of several funds) new lying in the heads of the Treasurer, for
		detraying the charges of the Government for one year, commencing the
- '		twenty-likh day of Hasch, in the year of our Lord one thousand seven
,	•	beautred and facty-one, inclusive, and ending the twenty-fifth day of
		March, one thousand seven headred and forty-two, exclusive
	-	An Act for granting to his Mejesty the sum of forey-four thousand nine hun- dred and thirty-two pounds seventson shillings and four peace half-peany
		current meney, for definying the charges of the Government for one
		year, commencing the twenty-fifth day of March, in the year of our
		Lord one thousand cover hundred and forty, inclusive, and ending the
		twenty-fifth day of March, one thousand seven hundred and forty-one,
	690	and her further securing his Majonty's Province of South Carolina by encour-
		SCIENT RESIDENCE OF DECEMBER AND ADDRESS OF COLUMN BY COCCUP.
•	• 691.	aging pretestants to become entities therein. An Act to appoint Commissioners to key out a road from the corner of Capt.
		Th. Johnson's plantation, Some mostly-westwood to Sheed's Creek, and
		from themes westward, so as may best suit the lands lying an Ediato river.
	•	and to impower the said Contaminioners to continue the said road to the
		line of Orangeburgh. Township, or to key out any bye road or roads into
•	. • ess.	the said road
		veral Commissioners of the high reads, private paths, bridges, creeks,
	•	* 0000070, and cleaning of water resource in this Province of South Con-
· ·		olina, to aher and by out the same, for the more direct and better con- venience of the inhabition thereof
٠.		venionce of the inhabition thereof
-		An Ordinance for appainting Robert Aistin, Esquire, Compitation of the country
1742.		, dutye of this Province
		cleaning, elearing and making navigable the several effects, cal-offs and
	·.	water passages in this Province
	695.	An Act for the immediate relief of the Colony of Georgia, and for the defence.
•,		of this Protince
743.	—	An Act for mising and greating to his Majorty the suggest fifty one thousand one
•		hundred and minery-droubstands deven shillings and six peops, and for

A. D. 1743.	Ne.	applying the same of of four thousand one handred and seventy-eight
		pounds six shiftings and three farthings, being the surplus of the tex reised
	·. •	in the year of our Lord one thousand seven hundred and forty-one, for
:	•	defreying the charges of the government for one year, commencing the
•		twenty-fifth day of March, in the year of our Lord one thousand seven
. `		bindred and forty-two, inclusive, and ending the twenty-fifth day of
•	. 807	March, one thousand seven hundred and forty-three, exclusive
	00 1.	An Ordinance for the appointing of Receivers, Comptrollers, and Waiters of the
		country duties, for the Ports of Beanfort, Port Royal, and Georgetown, Winyaw
	698.	An Act for the encouragement of Mr. George Timmons, in his projection of a
		new instrument for cleaning of Rice
	699.	An additional and explanatory Act to an Act entitled an Act to prevent Mari-
		nors and Seamen remains into Debt, and to prevent the desertion of
		Seamen
	700.	An Act to prevent Stealing of Horses and Nest Cattle, and for the more effec-
		tual discovery and punishment of such persons as shall unlawfully brand,
•		mark or kill the same
	701.	An Act for making satisfaction to proprietors whose lands are in any wise dam-
		nified by the works lately erected and now erecting and carrying on, er
		which may be thought necessary to be erected and provided for by the
	•	General Assembly, for the defence of Charlestown, and for vesting
	• .	the lands on which the said works stand or may stand, is the public forever
	• 702	An Act for the better securing of this Province against the insurrections and
		other wicked attempts of negroes and other slaves; and for reviving and
		continuing an Act of the General Assembly of this Province entitled an
•		Act for the better ordering and governing negroes and other staves in this
		Province
	703.	An Act to ascertain and regulate public efficers fees, and to repeal an Act of
		the General Assembly of this Province entirled an Act for ascertaining
		public officers fees.
1744.	704.	An Act for regulating the making of dame or banks for reserving water, where
-		the same may affect the propertys of other persons
	705.	An Act for ellowing Mutual Debts to be discounted, and for explaining the eixth
•		peregraph of an Act entitled an Act for making more effectual Wills and
•		Testaments, and for making valid all former Wills in this Province, so-
- .'		cording to the tenor of the same, and for putting in force several useful
	a 700	matters therein comprised
	700.	An Act declaring Dorchester Bridge, Becom's Bridge, McCulleun's Bridge, Ke-
•	,	gle's Bridge, Baker's Bridge, and Waring's Bridge, in the Parish of St. George, Dorchester, to be parish bridges, and appointing the manner in
		which the same shall hereafter be kept in report; and for reviving and
•		continuing an Act of the General Assembly of this Province entitled an
		additional and explanatory Act to an Act extitled an Act to importer the
	. •	several Commissioners of the high roads, private paths, bridges, creeks,
		canseways, and cleaning of water passages, in this Province of South
•	•	Carolina, to alter and key out the squa, for the more direct and better
	:	convenience of the inhabitants thereof
	707.	An Act for allowing the pichetiss or demandant in ejectment to bring more than
		one action for the meavery of any hands or tensements chimed within this
		Province, and for repealing the fourth paragraph of an Act estitled an
		Act for setting the Titles of the inhabitants of this Province to their pos-
	• '	sections in their Estates within the same, and for limitation of actions, and
	7100	for avoiding setts in flow
	198.	An Act for the further improvement and encounging the produce of Bilk and
	•,	other manufactures in this Province, and to support un Act of the General Aspendity epticled on Act to conguerage the making of Home, passed the
_	•	

•	Haster of Charlestown and the Shipping frequenting the same, as is
	Tarres then to come and a man and a
/V9.	the next the petter securing the payment and more may recovery of delen
	due from any person or persons inhabiting, residing or being beyond the
	seen, or chewhere without the limits of this Province, by attacking the moneya, goods, chattels, debts and books of account of such person or
	persons, if any he, she or they shall have within this Prevince; and to
	impower and enable a fema covert that is a min-trader to one for and
	recover such debts as shall be contracted with her as a selectroles and so
	subject such feme covertio be strested and such for any debt meanward.
710.	by her as a sole-trader
-	former Act entitled "an Act fer the better governing and regulating White
	Dervants."
711.	As a impowering Commencers to finish and continue certain reads already
	had out for the convenience of the inhabitants residing becomes Cale
712	Setcher and Pocataloga nivers
	An Act for raising and granting to his Majorty the sum of Fifty-one Thousand Two Handred and Five Pounds twoive shillings and two pence three
	farthings, and for applying the sum of eight thousand and fifty-six pounds
	four shillings and three pence, being the surplus of several taxes and the
	belance of several funds in the public treasury of this Prevince, for de.
	maying the charges of the Gevernment for one year, commencing the
	twenty-fifth day of March, in the year of our Lord one thousand seven
	hendred and fersy-three, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and forty-four, exclusive
711	An Act to appoint persons to corve in Jurya, pursuant to the directions of an Act
	of the General Assembly, passed the twentieth day of August, in the
	year of our Lord one thousand seven hundred and thirty-one, estitled
	"an Act confirming and establishing the pacient and approved method of
	drawing Jurys by ballet in this Province, and for the better administra-
	tion of justice in criminal causes, and for appointing of Special Courts for
	the tryal of the causes of transient persons, declaring the power of the Provost Marshal, for allowing the proof of deeds beyond the seas as evi-
	dence, and for regarding the several Acts of the General Assembly there-
	M. Mentioneri."
714	As Act to encourage the destroying beasts of prev
715,	AS AC to present some detects in his Especty's Rent Roll, and to enable the
	officers of the revenue to make a more perfect spil of his Majonty's quit rents in this Province, and to discharge from the payment of fature quit
	reacts all such persons as upon transferring their property shall enter me-
•	merials of such transfer in the Auditor's Office, pay the quit rents doe.
	and comply with the other directions of this Act
714.	An Act for the rejoing and levying the charges of conveying malefactors and
	offenders to goal, and for defraying the charges of oriminal prosecutions;
•	and for repealing the last paragraph of an Act of the General Assembly of this Province entitled "an Act for authorizing the General Court of
	Charles City and Port to express several powers and privileges allowed
	to the Councy and Precinct Coups in this Province."
717.	An Act for the more effectual relief of lingivent Debtors, and for that purpose
	patting in force and effectually easying into execution in this Province
	onch past of an Act, made in the Parliament of Great Britain, in the so-
	count year of his present Majorry's policy, entitled up Act for relief of
	debtors, with respect to the improvement of their phroom, as is hereined
: 718.	ter mentioned
•-	An Act, for building a bridge over the Musth branch of Black river, opposite to the landing of John Wallin, Esq., deceased, in the Pixish of Prince George
	Winyou, and for building a bridge between Lady's bland and St. Holo-
	and the same and t

		•
A. D. 1744.	No	na's Island in Granville County, from the consessor already begun to be
•	6	made over the marshes on the said likends
	• 719.	An Act for establishing and confirming a public street from the North bounds of
		Charlestown to the North and of the Bay of the mid town, and for build-
		ing a bridge over the march at the North and of the said Bay, and assec-
-	•	sing the lands and improvements of the several persons therein named,
	•	towards defraying the expense of the same
	720,	An Act for the further preventing the spreading of contagious or malignant dis-
		tempers in this Province.
	781.	An Act to prevent the further spreading of the infectious distemper amongst the
		Cettle in this Province
	793.	An Act to revive and continue the several Acts therein mentioned
1745.	* 793.	An Act for the continuance of process and judicial proceedings, and for enabling
		the Chief Justice of this Province, public treasurer, and Coroner for
		Berkley County, to draw Grand Jurymon and Petit Jurymon, to serve at
		the next ensuing Court of General Sessions of the Peace, Oyer and Ter-
		miner, Assize and General Goal Delivery, to be holden at Charlestown in
		the Province aforesaid, on the third Wednesday in March next6f
	794.	An Act for the raising and granting to his Majesty the sum of forty-five thou-
		sand three hundred and sinety-three pounds five shillings and three far-
	•	things, and for applying the sum of eight theusand three handred and
		ninety-three pounds seventeen shillings and one penny, being the surplus
		of taxes, and the balance of several funds in the public Treasury of this
	•	Province, making together the sum of fifty-three thousand seven hun-
		dred and eighty-seven pounds two shillings and one penny three furthings,
	1	for defraying the charges of the Government for one year, commencing
1		the twenty-fifth day of March in the year of our Lord one thousand se-
•		ven hondred and forty-four, inclusive, and ending the twenty-fifth day of
		March one thousand severa hundred and forty-five, exclusive
	795.	An Act for continuing and amending of an Act estitled "an Act to prevent the
• ,		further spreading of the infectious distemper amongst the Cattle in this
		Province:" and for the amending and continuing such part of an Act
	•	entitled "an Act for the better ordering and governing Negroes and other
		Slavesin this Province," as is not amended, altered or repealed by this
		An Act to sensity the defects in the execution of an Act equition was Act for
•	/20.	
		the establishment of Religious Worship in this Province, according to the
. •		Church of England, and for erecting Churches for the public weethin of
		God, and also for the maintenabce of Mineters and the building conven-
		iont houses for them," in so far as relates to the nominating, and
		from time to time keeping up the number of Commissioners therein men-
•		tioned
	787.	
	•	of Edmondebury, in the Panish of St. Bartholomew, in Colleton County,
. •		and to impower certain Commissioners therein named to receive subscrip-
		tions, and therewith to build the said Chapel
	• 798.	An Act to impower the Commissioners of the high roads for the Parish of St.
٦.		John, in Berkley County, to make a new Conseway leading to Childshu-
. *		ry ferry in the said parish, and for cutting a water passage through cor-
		tain Lakes at the head of Black Mingo Creek, in the parish of Prince
;		Frederick, Winyaw, and to rectify a mistake in an Act of the General
		Assembly of this Province entitled an Act for building a Bridge over the
		North branch of Black river, opposite to the landing of John Wallie, Esq.
	:	desceed, in the parish of Prince George, Winyaw, and for building a
	•••	Bridge between Lady's Island and St. Helena's Island, in Granville Cogn-
	٠.	ty, from the Canseways already begun to be made over the Marshes on
•		the said Island
	700	An Act for imposing an additional duty of six peace per gallon on Rum import-
•	123.	An Act for imposing an additional duty of aix peace per games on Main import-

		. PADLE OF CONTESTS.	XXV
A.D. 1763. N	B.	tions in this Province, and for allowing a discount of ten per centum out of the dutys on Sugara imported for westage, and to direct the manner of making entrys of goods or merchandize imported, which are liable to pay	!
		more than one duty with the Country Comptroller and Public Treasu-	•
		rer, and for repealing an Act of the General Amembly of this Province,	
		entitled "an Act for continuing a duty and imposition of three pence	
	-	per gallon on Rum imported, and for raising a fund to finish and keep in	
		repair the new brick Church in Charlestown, and for the more effectual	
•		carrying on and maintaining the Fortifications of this Province, and for	
•		enlarging the number of the Commissioners of the Portifications, and to	į
		impower the Commissioners of the Fortifications to stamp orders for de-	•
•		fraying the expence of the works by this Act directed to be immediately	,
		carned on for the detence of Charlestown."	
	730	An Act for enlarging the qualifications of the electors, as well as of the persons	
and the second	130.		
		to be elected to serve as Members of the General Assembly of this Pro-	
1000		VEC	
	731.	An Act to divide St. Helena's Parish, and to erect a separate and distinct Par-	
	•	ish in Granville County, by the name of Prince William, and to accertain	ı
•		the board thereof	.658
•	• 733 °	An Act for vesting the Febry over South Edisto River, known by the name of	r
		Parker's Ferry, in Jane Grainge and her assigns, for the uses and during	
		the time therein mentioned; and to impower the commissioners appoint-	
		ed by an Act of the General Assembly to lay out a road from the corner	<i>:</i>
		of Captain Johnson's plantation fence to Stend's crepk, instead thereof	ľ
		to make and keep in repair a road from Stead's creek to the plantation of	ſ·
. •		Jeremish Knott.	
•	733.	An Act for continuing the Trust of a Lot and Buildings in Charlestown for the	
		use of the Antipodo Beptist Congregation meeting there for divine ser-	
		vice	
	73L	An additional and explanatory Act to an Act of the General Asserably of thu)
	* *	Province entitled "an Act for the more effectual relief of Insolvent	Ł
		Debtors, and for that purpose putting in force and effectually carrying	ť
		into execution in this Prevince such part of an Act made in the Parlis-	
		ment of Great Britain, in the second year of his present Majesty's reign,	
		cutified an Act for the relief of Debtors with respect to the imprisonment	
		of their persons, as is thereinsfler mentioped."	
	735.	An Act to direct executors and administrators in the manner of returning In-	•
		ventories and Accounts of their Testator and Intestates estates, and to	•
		restrain the naual charges and commissions of such executors and ad-	-
		ministrators, and all other persons who shall be entrusted with the admin-	
		intration and menogement of minors's estates	
1746.	736.	An Act for erecting the township of Purrysburgh and parts adjacent, into a sepa-	
•		rate and distinct Parish	
•	737.	An Act to revive and continue the several Acts therein mentioned, and to repeal	l
		that part of an Act which gives a bounty upon ladigo, entitled an Act for	t
•		the further improvement and encouraging the produce of Silk and other	
		Manufactures in this Province, and to repeal an Act of the General As-	
		sembly entitled an Act to encourage the making of Heatp, passed the	
		twenty-third day of February one thousand seven hundred twenty and	Ĺ
		three, and for repealing such part of an Act of the General Assembly,	, .
		intitled an Act for the better regulating the Port and Harbor of Charles-	
	•	town, and the shipping frequenting the same, as is therein mentioned	
	738.	An Act for stamping, emitting, and making current the sum of two hundred and	
		ten thousand pounds in paper bills of credit, and for autotaining and	
	•	preserving the future value thereof, to be let out at interest on good se-	•
	-	curitys, at eight per centum per annum, and for applying the said inter-	
		est to the purposes thereinefter mentioned, and for exchanging the paper	
		bills of credit in this Province, and miking them less subject to be coun-	
	٠	William	.9/ I
•	VO	L. IIL—D.	

A. D. 1746	No. 739.	An Act for raising and granting to his Majorty the sum of Pifty thousand one
		nuntred and twenty-one pounds ten shiftings and two nenes, and for an-
		plying the sum of eight thousand and sixty-seven nounds fourteen shill.
		ungs and right pence, being the surplus of taxes and the balance of sex.
		eral lands, in the public treasury of this Province—making together the
		sum of nity-eight thousand one handred and eighty-nine mande for
		stillings and ten pence—for defraying the charges of the Government for
		one year, commencing the twenty-fifth day of March in the year of our
•		Lord one theusand seven hundred and forty-five inclusive and ending
		the twenty-hith day of March, one thousand seven handered and force.
		six circumve; and for raising the sum of one thousand one handred and
		seventy-four pounds sixteen shillings and one penny, on the inhabitants
		and owners of land in the parish of St. Philip, Charlestown, for the use
	• 740	of the Watch of the said town
	, , , , , ,	An Art for preserving the Fortifications and appropriating certain surplus Land
	741	in Charlestown
	141.	An Act for laying Bioys and erecting and supporting Beacons or Land Marks,
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		An Act to prevent frauds and deceits in selling Rice, Pitch, Tar, Rosin, Turpen-
•		tine, Beef, Pork, Shingles, Staves and Pire-wood, and to regulate the
		weighing of the several Commoditys and Merchandize in this Pro-
1747.	* 745.	vince
		of this Province for the time being and a minimum of the commander-the-Chief
		of this Province for the time being, and a majority of the members of his Majesty's honorable Council, who shall be in this Province, to hold a
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		of the General Assembly of this Province, entitled an Act for establish-
		ing a Court of Chancery in this his Majesty's Province of South Caroli-
•	_	na, and for the preventing the discentinuance of process and the abate-
	•	ments of suits in the Courts of Justice
	746.	An additional Act to an Act of the General Assembly of this Province entitled
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	747.	An Ordinance for appointing Major William Pinckney Commissioner of the In-
		dian Trade
	• 748.	An Act for the better regulating the Militia of this Province, and for recealing
	•	an Act entitled an Act for the further security and better defence of this
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	749.	An Act for the tryal of Small and Mean Causes, and for repealing the several
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	• 750,	As Act for sinking a Drain in Queen-street, in Charlestown, and for filling up
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`	•	the term of seven years; and for establishing a Ferry over Stone River,
		at the place where the Bridge stands, and for vesting the same in Mar-
	,	garet Williamson, widow, her executors, administrators and sesions, for
		the term of three years
	752.	An additional Act to an Act of the General Assembly of this Previnte entitled
		an Act for preventing as much as may be the spreading of Centagious
		the second and an error also and also are the properties.

1767.	No.	Distempore: and to revive and contingues Act satisfied as Ast for the establishing of a Market in the Parish of St. Philip's, Charleston a, and
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	753.	An Act to amend the sixth paragraph of an Act of the General Assembly of this
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- 3		servants, and to repeal a former Art entitled an Act for the better gov-
		erning and regulating white servants, and to prevent the embezziement
	• 754	of Overseirs
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		the sum of two thousand six hundred and seventy-five paunds one shil-
		ling and seven peace, being the balance of several funds in the Public
		Treasury, making together the sum of fifty-five thousand five hundred
		and two peands and two shillings, for defraying the charges of the Go-
• •		versment for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and forty-siz, inclu-
		aive, and ending the twenty-fifth day of March, one thousand seven hun-
		dred and Serry-coven, exclusive
	756.	An Act for establishing the Chapel at Pompion Hill, in the Parish of St. Thomas,
		as a Parochial Chapel of Ease for the said Parish forever, and for repeal-
		ing such part of the second paragraph of an Art of the General Amembly
* *	•	of this Province, pessed the eighteenth day of December, in the year of
		our Lord one thousand seven bundred and eight, estitled an additional
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	• 737	An Act to municate and appoint Commissioners of Highways in the upper set-
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		Porries at such convenient places within the several districts therein
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		districts shall disect, and to appoint Highway and Bridge Commissioners
٠.		for Saxegotha towaship
	• 758.	An Act to impower two Justices and three Prochelders, or a majority of them,
		to determine in all actions of debt where the metter in dispute doth ex-
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		proclamation money, and is not more than seventy-five pounds current
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		migrat, for the term of seven years; and for antiling the rates of ferrome
		at the lefty established over the western branch of the said Cooper was
		at a prace commonly called the Strawberry and for verting the said
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		or seven years; and for building a bridge over Black river at or near a
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		commencing the twenty-fifth day of March, in the year of our Lord one
		thousand seven hundred and forty-seven, inchaive, and ending the twen-
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1749.	768.	An Act for regulating the assize of Bread
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		paying the salarys of the Clergy) making together the sum of fifty-one
		shousand nine hundred and forty-four pounds sixteen shiftings and six
		peace, for defraying the charges of the Government for one year, com-
		mencing the twenty-fifth day of March, in the year of our Lord one thou-
•		sand seven hundred and forty-eight, inclusive, and ending the twenty-
		fifth day of Masch, one thousand seven hundred and forty-nine exclusive;
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	771	the Coasts and protection of the Trade of this Province
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		try Duties and Treasurer for the Port of Beaufort, Port Royal723
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1750.	• 774.	An Act for vesting the Ferry established over Sumo river, at the place where
		the bridge stood, in Thomas Rose and Francis Rose, their executors, ad-
		ministrators and assigns, in trust for the use of the chidren of Henry
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		during the said term; and for ascertaining the buundaries of the district
		liable to work on the cut commonly called Newtown cut; and for ap-
		pointing commissioners to build a build a build a survey C
		pointing commissioners to build a bridge over Commwhatchie creek, lying
		between the parishes of St. Helena and Prince William, and for keeping
	·	the same in repair
	₹.775.	An Act for keeping the streets in Charlestown clean, and establishing such other
		regulations for the security, health and convenience of the inhabitants
		of the said town as are therein mentioned, and for establishing a new
	•	market in the said town

). 1750	No.º776	An Act for establishing a Furry over Suntee river, in the parish of St. James, Suntee, from the plantation commonly talked Courage's plantation, on
		the north side of the said river, to the place commonly called Jonathan
		Skrine's, on the south side of the said river, and for vesting the said Perry
		in Alexander Dupout, his executors, administrators and assigns for the
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Š		Christ Church parish, commonly called Hobeau, to the high read lead.
		ing to charch in the said parish.
• .	· mj.	All Act for the erecting and supporting of a Beacon near the har and herbor
		of Charlestown, and for placing buoys on or near the said bar, for the use
•		of ships and other vessels coming to the port of Charlestown
	770.	An Act for vesting the Ferry over Ashley river in Edmand Bellinger and George
		Bellinger, Esqu., their executors, administrators, and assigns, for seven
		years, in treet for and to the use and appointment of Mrs. Elizabeth El-
	779.	hott, wife of Thomas Effect, Esq
•	***	An additional Act to the Acts of the General Assembly of this Prevince con-
	780.	cerning Insolvent Debeors, and for the continuance of the said Acts
	•••	An Act for raising and greating to his Majesty the sum of sixty thousand three
	•	hundred and fifty-eight pounds fourteen shiftings and ten pence one far- thing, for defreying the charges of this Government for one year, con-
,		commencing the twenty-fifth day of March, in the year of our Lord one
11	•	thousand seven hundred and forty-nine, inclusive, and ending the twen-
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173L	• 781.	An Act for appointing Commissioners to make a new bridge over Pon Fon river
	•	poor the place where the old bridge stood, and for making camera lead.
!		ing to the said bridge; and for appointing Commissioners to finish and
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		repair; and for appointing Commissioners to cut a Creek from Asheone
		river to Pen Pon river, at the upper and of the Gome match, between
		the said rivers; and also to cut another Creek through the mersis between
	• 700	Chehaw and Ashepon rivers.
	104	An Act for establishing a ferry from the plantation of Col. Samuel Pricesus,
		called Patterson's Point, on Port Royal Island, to the land late of Thom-
		as house, decreased, on the Indian land, and for vesting the mid farry in
		the said Col. Samuel Prioless, his executors, administrators and assigns, for the term of ten years; and for establishing one other ferry from the
		eaid land, late of the said Thomas Innes, deceased, to the said plantation
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		AN CONCRETE ACCUMULATION and assistance for the liberture.
	783.	An Act to appoint and establish new lists of Jurymen, to be drawn by ballet in
		this Prevince, and to impower the Courts of Law to draw Jures in secon
		therein mentioned
•	78 L	AS ACT OF PERSONNEL SAID METERSING OF PRIVATE CANADANA CANADANA
	785.	An accused Act to the several Acts of the General Assembly now of force in
		Troverse which relate to insolvent deleters, and for improvening the
		Caset Justice, Public Treasurer, and Coruner of Berkley County, to set
٠,		amos insorrent debters that may happen to be drawn as James, and for
		congreg the plaintiffs to may the face for insolvent deleters committed to
	• 786.	the entirely of the Prevent Marshall
	100.	All Act to realize and prevent the tee frequent miss of Goods and Wares and
	•	Merchanize by public section or outcry in Charlestown, and for the bet-
	9 707	ter regulation of such sales
	• 78 7.	An additional and explanatory Act to so Act of the General Assembly of this
		Province, estitled an Act for keeping the streets in Charlestown clean,

A. D. 1751.

	• • • • • • • • • • • • • • • • • • • •
No.	convenience of the inhabitants of the said town as are therein mentioned, and for establishing a new Market in the said town
• 788.	An Act for amending an Act entitled an additional and explanatory Act to an
~	Act emitted an Act to impower the several Commissioners of the high
	roads, private paths, bridges, creeks, causeys and cleaning of water
	passages in this Province of South Carolina, to alter and lay out the
	same for the more direct and better convenience of the mhabitants
	thereof
789.	An Act for the better restraining Seamen from absenting from their service,
	and for encouraging the apprehending and securing of Fugitive Seamen,
	and to discourage frivolous and vexatious actions at law being
	brought by Seamen against Masters and Commanders of Ships and
•	other Vessels.
* 79 0.	An additional and explanatory Act to an Act of the General Assembly of this
	Province, entitled an Act for the better ordering and governing Negroes
	and other Staves in this Province, and for continuing such part of the
	said Act as is not altered or amended by this present Act, for the term
•	therein mentioned
• 791.	An Act to incorporate the Society commonly called and known by the name of
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792	An Act for raising and granting to his Majesty the sum of thirty-nine thousand
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	sum of six thousand six hundred and eighty-nine pounds twelve shillings
	and one penny, being the balance of several funds in the public treasury
•	of this Province, making together the sum of forty-six thousand one hun-
	dred and thirty-pounds twelve shillings one penny farthing, for defraying
	the charges of this Government for one year, commencing the twenty-
	fifth day of Marris, in the year of our Lord one thousand seven handred
	and fifty, inclusive, and ending the twenty-fifth day of March, one thou- eand seven hundred and fitty-one, exclusive
793	An Act for the better strengthening of this Province, by granting to his Majesty
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	tioned, and for granting to his Majesty a duty on Liquors and other goods
	and Merchandize, for the uses therein mentioned, and for exempting the
	purchasers of Negroes and other slaves imported from payment of the
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	Vince
794.	An Act to revive and continue the several Acts of the General Assembly of
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	ting Taverns and Punch Houses, and for applying the monies arising by
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* 795.	An Act for dividing the parish of St Philip's, Charlestown, and for establishing
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	printing commissioners for the building of a church and parsonage house
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130	
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	and any of the property of the property of the property of the party o
	chandize imported into and exported out of the Port of Beaufort, Port
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•	ing the purchasers of Negroes and other Signer imported, from negment
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THE FOLLOWING TITLE WAS 'MICROFILMED FROM THE HOLDINGS OF BROWN UNIVERSITY

STATUTES AT LARGE

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

THOMAS, COOPER, M. D.-L. L. D.

VOLUME FOURTH.

CONTAINING THE ACTS FROM 1752, EXCLUSIVE, TO 1786, INCLUSIVE.

ABRANGED CHRONOLOGICALLY.

COLUMBIA, S. C. PRINTED BY A. S. JOHNSTON. 1838.

Table of Contents.

N. B.—The Acts which are referred to the last volume are marked thus ; those of which the titles alone are now to be found, are left unpaged.

A. D. 1753. No. 810. An Ordinance for enabling and impowering the persons therein named, to import into this Province, from the Northern or other Colonies, a quantity of Indian Corn, not exceeding fifty thousand bushels, for the use and consumption of the inhabitants, by borrowing the sum of two thousand five hundred and thirteen pounds and fourteen shilling, nowlying in the hands of the Powded Receiver, and the monies in the Public Treasury appropriated to the use of the fortifications, and for replacing the same in the manner therein appointed.

2818 An Act for making Black river navigable, from the Western boundary of the Township of Williamburgh Blown, to the tide way, as far as the place commonly called the Narrows.

*813. An Act for appointing and impressing Commissioners to make the Wateree
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Settlements near the Catanuba nation, on the north cast nice of the mid
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7814. An Act to exempt the inhabitants of the lower district of the Parish of St.

James Santes, in Craven County, from working on or contributing to
wardasay repairs to he made to the road or causey leading over Lynch's

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*815 An Act for appointing Commissioners to build a Bridge over the pand in the Four Holes Swamp, commonly called Gibber's Pond, and to lay sut, make and keep in repair, a past to and from the said bridge, as convenient as may be, into the Orangeburgh old road, from the head of the path leading from Dorchester to Isand's Cowpen.

*616. An Act to continue an Act entitled * An Act for the better regulating the Militia of this Province, and for repealing the former Acts for regulating the Militia, and for repealing an Act for the further security and better

defence of this Pravince"

An Act for securing the payment of the hum of two thoseand and five hundred pounds to the Honorable Hector Beringer De Beenfain, Esq. and the sum of three thousand and five hundred pounds to Gebriel Manigash, Req., their gaspective expenses, administrators or essigns, with interest

818. An Act for raising and granting to his Majesty the sum of forty-three thousand one hundred and two pounds two shillings and six pence three farthings, for defraying the charges of this Government for one year, commencing the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty-two, Old Style, inclusive, and ending the twenty-fifth day of March, one thousand seven hundred and fifty-three. New Style, exclusive.

A. D. 1754.

- An Act for building a draw bridge across Ashley river, in the Parish of St. Andrew, from some place at or near Stoney Point, on the east side of the marsh opposite to the said Point on the west side of the said river, and for making a causey upon the said marsh, leading to the said bridge, and for making a road to the said bridge and causey, and for vesting the said bridge, when built, in such person and persons, his and their heirs and assigns, forever, as shall be at the expence of building the said / bridge and making the said causey, and keeping the same at all times hereafter in repair.
- *882. An Act to prevent the inveiging, stealing, and carrying away Negroes and other Slaves in this Province, and to prevent the carrying away of Schooners and Pettiaugers, and also for repealing so much of an Act entitled "An Act for the better ordering and governing Negroes and other Slaves in this Province," as relates to the time within which offenders that are apprehended shall be tried, and giving the Justices and Prescholders a power to postpone the trial of such offenders......
- 824. An Act to divide the Parish of St. James Santee, in Craven County, and for establishing another Parish in the said County, by the name of the Parish of St. Stephen, and appointing the Chapel of Ease in the said Parish of St. Stephen to be the Parish Church, and declaring the Chapel of Ease at Echaw, in the Parish of St. James Santee, to be the Parish Church, and for appointing Commissioners to erect a Chapel of Ease near Wambaw Bridge, in the said parish of St. James Santee, and for ascertaining the number of members to represent the inhabitants of the said parishes respectively in the General Assembly of this Province, and for appointing Commissioners for the High Roads in the said Parishes respectively.
- 826. An Act for applying that fifth part of the tax imposed by the general duty law on the first purchasers of Negroes and other slaves imported, which was applied as a bounty to be given for the building of ships, and as an encouragement to Ship-wrights and Chanlkers to become settlers in this Province, to the uses therein mentioned; and for building a Pest House and execting a Beacon; and for appointing and impowering Commis-

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		An Act for vesting the Ferry over Savanna river, at the Garrison of Fort	į.
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		tora, edministrators and assigns, for the term therein mentioned; and	``
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	828.	the term therein mentioned.	13
•	. 040.	An Act to revive and continue the several Acts of the General Assembly of	Ī
•	900	this Province therein mentioned.	13
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1		eight hundred and minety-eight pounds one shilling and six pence three	
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		fifty-six pounds and eleven shillings, being the balances of several funds	
		in the public treasury of this Province, making together forty-two	
		thoughnd one hundred and fifty-four pounds twelve shillings and my	
		pence three farthings, for defraying the charges of this Government for	
		one year, commencing the twenty-fifth day of March, in the year of	•
	`	our Lord one thousand seven hundred and fifty-three, inclusive, and	
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•		Waiter of the Port of Charlestown, and a Comptroller and Receiver of	•
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	831.	An Act for impowering the Church Wardens and Vestry of the Parish of St.	
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١.		and Parish	. 15
<i>/</i> `	*832.	All Act for laying out, making and keeping in repair a road from Purreshowh	
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\ .		this Province therein mentioned; and for amending one of the mid Acre	
1	. : "	entitled "An Act for the belter regulating of the militia of this Pro-	
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\		for repealing an Act emitted an Act for the further security and better	
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	834.	An Act to restrain the exportation of Provisions and Warlike Stores from this	. 10
		Province, for the time therein mentioned	17
•	83 5.	An Act for raising and granting to his Majesty the sum of sixty-two thousand	
		one hundred and thirty-four pounds sixteen shillings and tempence half	
		penny, and for applying the sum of three thebsand and twenty-one	
•		pounds three shillings and eight pence, (being the balance in the gene-	
•		ral duty fund) making together the sum of sixty-five thousand one hun-	¥
• • •		dred and fifty-six pounds and six pence half penny, for defraying the	_
		charges of this Government for one year, ending the twenty-fourth day	
		of March last, and toward repairing the old and building new fortifica-	
	•	tions in this Province, and for other services mentioned in the schedule	
٠		to this Act annexed; and also to enable the Public Treasurer for the	
	1	time hains to imme confidence instable and of the Profession of	
•		time being to issue certificates, payable out of the Fortification Fund,	
	٠.	for the more immediate repairing and building the mid fortifications:	
	١,	And also for raising and granting to his Majesty the further sum of.	
7		thirty three thousand and six hundred pounds current money, (which	•
	•	with the sum of eight thousand and four hundred pounds, provided for	
		this service in the schedule aforesaid, is equal to six thousand pounds	·· *
		sterling,) as the contribution of this Province to a common fund to be	*
. 1 .		employed provisionally for the general service in defending his Majes-	

A. D. 1756.	No *850	Art Act for laying out, making and keeping in repair a road front the bridge
		commonly called Minniek's bridge, to the 15 mile post on the road lead-
		ing from Orangeburgh township to Charlestown, and for rebuilding the
		mid bridge and become the same in many in
	*851	said bridge and keeping the same in repair
		A TABLE CONTRACTOR OF THE PARTY
•		Board's Ferry, and vesting she same in James Board, his executors,
•		administrators and assigns, for the term therein mentioned; and apply-
		ing pers of the surplus of the money which was greated for making the
		Weterse navigable, toward making a fond or causey over the swamp
		on Suntee river, leading to the said ferry; and appointing commission-
		ere for making and keeping in repair a road from the said ferry to the
		thost convenient part of the road leading from the Congress to Charles-
		10 W ft
	~005	An Act for establishing a ferry from the plantation of Theodore Gaillard, on the
į		south side of Santee river, to Marray's landing, on the north side of the
•		river, and vesting the same in the said Theodore Gaillard, his execu-
		tors, administrators and assigns, for the term therein mentioned; and
		for cleaning and clearing the creek therein mentioned, for the more
		convenient passing the said ferry
	853.	An Act for the encouragement of Adam Pedington, in his projection of a new
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·	*854.	An additional Act to an Act entitled "An Act for the better regulating
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•	855.	Art Act for disposing of the Accadians new in Charlestown, by settling one
•	,	fifth part of their number in the Parishes of St. Philip and St. Michael,
•		and the other four parts of them in the several other Parishes within
	•	Gas Browings, barre or smalls of the several order Laurence Mitpill
_	856.	Aft Act for raising stid granting to his Mejesty the sum of ninety-one thousand
		his handred and 400 names to me insperty the sum of ninety-one thousand
	•	one hundred and fifty-seven pounds eleven shillings and three pence
	٠.	three farthlegs; and for applying two thousand four hundred and sev-
		enty-one pounds eighteen shillings and nine pence, being the balance
•		of several funds in the public treasury of this Province, making together
		ninety-three thousand six hundred and twenty-nine pounds ten shil-
		lings and three furthings, for defraying the charges of the Government
		for one year, communicing the twenty-fifth day of March, in the year
		of our Lord one thousand seven hundred and fifty-five, inclusive, and
		ending the twenty-fifth day of March, one thousand seven hundred and
	•	fixy-six, exclusive, and for other services therein mentioned.
•	857.	An Act appointing Janies Wright, Esquire, Agent to solicit the affairs of the
		shhabitants of this Province in Great Britain.
A. D. 1757.	868.	As Ast dividing the Parish of Prince Frederick, in Craven County, and each.
		lishing another Parish in the said County by the name of the Parish of
		34. Mark, and appointing Contmissioners for building a Church and
3		Parsonage House therein, and ascertaining the number of members to
		represents the inhibituate of the said Parishes respectively in the Gane.
•		rai Assembly of this Prevince
	*669.	An Act for making and keeping in repair a road across the Parish of St. Paul,
		from the south to the north boundary thereof, and a bridge across the
		south branch of Edisto river, and a road and causeway leading there-
	•	to, and appointing Commissioners to execute the same
	*886.	An Act for incorporating the Winyaw Indico Society
	861.	An Act for continuing part of an Act entitled "An Act for the creeting and
•		supporting of a Beston, near the her and harbor of Charlestown, and
		for placing Ruove on an english said has for the Cartestown, and
\ .		for placing Buoys on or near the stid bar, for the use of ships and other
• •	,	vessels coming to the post of Charlestown;" and for continuing and
		attending enother Act comments welled the General Duty Law, for the
	•	term therein streationed; and for supplying the defects in the execution
	-	of another Act entitled "An Act for making more effectual an Act of

bly of this Provides, entitled an Act for fo

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		hundred and fifty-seven, to the twenty-fourth day of March, one thousand seven hundred and fifty-seven, and fifty-sight, and for other semices there.	
•	875.	mentioned	.5
	•	Forks between the Congress and Wateres Rivers, and adjacent places	
. D. 1759.	876.	appointed by the Tax Act, passed the 19th May, 1758. An Act for taxing transient persons	.7:
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• [*878.		.76
4		Charlestown to Williamsburgh, con monly called Murrny's Ferry, in James Hunter, Executor of the last will and testament of Joseph Mur-	
		ray, late of Craven County, Planter, deceased, in trust for and to the	
. 1		only use and behoof of James Murray, an infant, only son and heir at law of the said Joseph Murray, his executors, administrators and as-	
•	*879.	aigns, for a term of years therein mentioned	77
	0.5.	An Act to restrain and prevent the too frequent sales of Goods, Wares and Merchandize, by Public Auction or Outcry in Charlestown, and for the	
		better regulation of such sales	77
• .	*880.	An Act to impower the Commissioners for bailding a Church and Parsoners in	•
	•	the Parish of St. Michael, Charlestown, to purchase a lot of land and	
		house for a Parsonage for the said Parish, and to dispuse of and convey in fee simple, such pews as shall be built in the said Church; and for	
		repealing several paragraphs of the Act of the General Assembly of	
		this Province, for dividing the parish of St. Philip, and for eracting the	
	881.	said Parish of St. Michael, and a Parsonage for the same.	78
		An Act for preventing, as much as may be, the spreading of malignant and contagious distempers in this Province, and for repealing the former	
	990	Acts and paragraphs of Acts heretofore made for that nurnose	78
10 g 10	004.	An Act for the more effectual relief of insolvent debtors, and that purpose putting in force, and effectually carrying into execution, in this Pro-	
	•	vince, such part of an Act made in the Parliament of Great Britain, in	
•		the second year of his present Majesty's reign, entitled "An Act for	
		the relief of Debtors with respect to the imprisonment of their ner-	
	•	sons," as is hereinafter mentioned; and to repeal the several Acts of	
		Assembly now of force in this Province, for the relief of Insolvent Debtors	
	883.	An Act for impowering the Church Wardens and Vestry of the Parish of St.	0
		Bartholomew, to dispose of the pews in the Changlistely erected at	
	884.	Edmundbury, in the said Parish	4,
	, -	ral Assembly of this Province, and for amending some of the said Acts	
		in the manner bergin mentioned	5
÷	885.	An additional Act to an Act entitled "An Act to ascertain the manner and	•
		form of electing Members to represent the Inhabitants of this Previous	
. '		in the Commons House of Assembly, and to appoint who shall be deemed and adjudged capable of choosing or being chosen Members	
		of the said Heese," passed the twenty-first day of September, in the	
	٠.	year of our Lord 1781, and for repealing several clauses in the said	
, 1	886.	Act	ţ
. `	000 0. <i>1</i>	An Act to supply the defects in evidence where Original Wills cannot be pro- duced, and to make the proceedings upon questions arising upon such	
:		Wills more easy and effectual; and for repealing so much of the second	
		ciause of an Act for making more effectual last Wills and Testaments, as	
• 1		contradicts or sepeals the ninth clause of the Act sgainst Sastardy101 VOL. IV.—B.	ļ
		* CII. 11.—II.	

An Act for reising and granting to his Majesty the sum of one hundred and sixty-three thousand seven hundred and ten pounds six shillings and one panny farthing, and applying seventeen thousand four hundred

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		pounds seventoen shiftings and six neares one farthing to defer a	
		and a control in the first day of language at the state	
		col or bettinger, one thousand seven handers and co.	
	899	both days inclusive, and for other services therein mentioned	. 19
	•	pourse current money, and anniving other mani-	
		memorate to repay the expense of raising paying and chaking for	
		and a registration of the Companies of Soldiers and the t	
		composed of one hundred men, besides officers, to be employed in the service of this Government in prosecuting the war against the Chero-	•
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		The state of Later Marks hear the Key of the Marks and	
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		The same but of the said Harbon and for the barrens	•
		and regulating the Pilotage of the said Harbor, and for obliging such vessels as go to the said port of Georgetown, to pay powder duty;"	
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		The bound of the old triene land of Chaham to the contract of	
		which the mounty to allog from the sale thereof to much	
		The result secti sizves, with their future issue and issue and	
	*905.	present Rector or Minister and his successors in the said Parish	3
		TO PICOUITING HOUSE OTHER RIM PROPRIETIONS IN Charlesses	
	906.	the state of the state of the second of the state of the	
		. The sold dee tootening soven hundred and fifty time for above and	•
		amending the sixth and seventh paragraphs of the Act commonly called the General Duty Act, and for appropriating and applying three-	
		mistre of the IRE appropriated and applyed by the and since	
		paragraphs of the said last mentioned Act as is hereineften	
	907.	mentioned. An Ordinance appointing William Hope, Gentleman, Comptroller of the Country	
		by Dutys my the Port of Beaufort. Port Royal in the Branian of Co	
d.	one a	Cerouna	
	908. A	The appointment committee and the state of the same of the same of	
		sand pounds in lawful paper Bills of Credit, for exchanging such lawful paper Bills of Credit as are now outstanding, and are become obliterat-	
1.		ou, form and deraced.	,
	909. A	an Action remark and greatering to the man of the bands and and	-
:	•	eighty-four thousand seven hundred and fifty-seven pounds seventeen	

A.D. 1761.	No.		shillings and lour pence three tarthings, and applying twenty-lour
			thousand and seventy pounds nineteen shillings and eight pence three
-			farthings, being surplus of taxes and the balance of several funds
			in the public treasury, making together three hundred and eight thou-
			sand eight hundred and twenty-eight pounds seventeen shillings and
			one penny half penny, to defray the charges of this Government from
			the first day of January to the thirty-first day of December, one thou-
		•	sand seven hundred and sixty, both days inclusive, and for other servi-
			ces therein mentioned.
A. D. 1762.		910.	An Act for building and keeping in repair a Pilot Boat, to attend the Bar and
22. 2			Harbour of Beaufort, Port Royal, and for the better settling and regulat-
			ing the Pilotage of the said Harbour
		911.	An Act for the better preventing of excessive and deceitful Gaming, and to
		J11.	prevent the occupiers of Licenced Public Houses, and other houses
			wherein Liquors are sold, from suffering apprentices, overseers, jour-
•			neymen, laborers and servants, from Gaming therein
			Deymon, abovers and servants, from Gaming sterems.
		912.	An Act for erecting a new Church in the Parish of St. Stephen, and for estab-
			lishing a road in the said Parish, instead of part of the road leading from
			Palmer's Ferry to Wathoo Bridge, and for appointing Commissioners for
			building a Chapel of Ease near Wambaw Bridge, in the Parish of St.
		,	James Santee
		913(An Act appointing Charles Garth, Esq., Agent to solicit and transact the affairs
		1	of this Province in Great Britain
•		•914	An Act for vesting the Terry over Ashiey River, in Edward Legge, his Execu-
		_/	tors, administrators and assigns, for fourteen years
		915.	and the same of th
			of Charlestown; and Mr. Richard Stevens, Country Waiter for the
•			Port of Boaufort, Port Royal
		* 916.	An Act for dividing the road leading from the Upper Settlement, near the Ca-
		210.	tawba nation, to Nelson's (late Beard's) ferry, in two districts, and ap-
			pointing a greater number of Commissioners for the said road; and for
		•	laying out a road from Sannder's Creek to Peedee river; another from
			Murray's ferry to Neison's (late Beard's) ferry; and another from the
			MOTTLY & REFTY to Heison & Clause Dearty 5) letty , and altouter from the
			plantation of Dennis Hagen, in Craven County. to Murray's ferry; and
			for impowering the Commissioners of the high-roads in St. James San-
			tee, to build a new bridge over Wambaw creek, in the said Parish; and
			also, impowering the Commissioners of the high-roads for the Parish
			of St George, to alter the road leading through the village of Dor-
			choster
		•917.	An Act for finishing, compleating and keeping in repair a road already laid out
			from Day's creek bridge, in Granville County, to the plantation of Jer-
•			myn and Charles Wright, called Rochester, situate on Savannah river,
			in the said County, and for establishing a ferry over the said river, from
•			the said plantation of the said Jermyn and Charles Wright, to the plan-
•			tation of Jonathan Bryan, in Georgia
		918	and the second s
•		• • • • • • • • • • • • • • • • • • • •	of Charlestown166
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		920	
		920	into the hands of the public of this Province
			La Carrier Carrier also also af Conne Ponnell Reg
		*921	An Act for examining a ferry from the paralleland to the land named loshna
			called Patterson's Point, on Port Royal Island, to the land now of Joshua
			Morgan, on the Indian land, and for vesting the said ferry in the said
		•	George Roupell, his executors, admistrators and assigns, for the term of
-	•		ten years; and for establishing one other ferry from the said land of
			Joshua Morgan to the said plantation of George Roupell, Esq., and for
			vesting the same in the said Joshua Morgan, his executors, administra-
•			tors and assigns, for the like term
•		92	2. An Act to regulate the Coasting Trade of this Province, and for impowering

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1			the Governor to appoint officers for preventing frauds and abuses therein, and to ascertain the places and times for shipping and dis-
	· · · .		Sing Coults and an
		. 92	and the covernor of Commander in schief for the time being
	•	92	The same and the present of Horses by Detecte on the same of the
			Treatment of the property of the section of the sec
3			will be a shall represent the beautiful to the same of the same o
۳.		92	mark or kill the same
			sixty-two thousand one hundred and twenty pounds eleven shillings
			and sures pence nall penny, and anniving thirty sight showend a
	•	J.	author and twenty-ax pounds fourteen shillings and seven many
		-	and any least of taxon and Delance of several funds in the and in the
		,	pounds ave summing and sen pence helf penny to defermine
		i	The contraction from the next day of language to the still of
			day of December, one thousand seven hundred and sixty-one, both days inclusive, and for other services therein mentioned.
١. ١	D. 1784.	926	All Act for suppressing and preventing private Lotteries
	•	*927	
			an good order and repair the Streets in Charlestown, and Garanting
		*928	me other regulations in the said town
			and the answing an assessment to the Rector or Minister of Re. Minhaelta D.
	,		rish, Charlestown, for the time being; for settling an allowance or sale-
		• .	ry of two hundred pounds sterling per annum on the said sesistant, and for settling the same allowance on the assistant of St. Philip's Parish,
			for the time being, in lieu of the former salary of fifty pounds sterling
			and subscriptions allowed such assistant; for allowing two hundred,
		•	pounds currency per annum, for the reneirs of St. Wishauts Change
	•		and for engoing the Church Wardens and Vestry for the time being of
			Ot MICHAELS Parish, to sell the old and to numbers a new Por
		929	for the said Parish of St. Michael's
			An Act for enabling the Church Wardens and Vestry of St. Andrew's Parish, to dispose of the pews in the Church of the said Parish
		930.	An Act for preventing, as much as may be, the spreading of the Small Pox. 183
		. 93 1.	
			Cherrono William Control of the Cont
		932.	Account busining a Charca on the new Globe Land in St. Paril's Parish and
			for ninening and keeping in repair the road laid out from Beach Hill to
			Slann's Island, and from thence to Dawhoo river; and appointing Com-
		933.	missioners for the purposes aforesaid
			An Act for laying an additional duty upon all Negroes hereafter to be imported into this Province, for the time therein mentioned, to be paid by the
			aret purchasers of such Negroes.
		93 1 .	Translate to repeat part of an Act entitled "An Act to regulate the reads
			with the Unerokee Indiana, by taking the same into the bank of the
			public of this Province," and to impower the Commissioner to an
	•		and dispose of such Goods as are in their hands by virtue of the said
		935.	An Act for raising and granting to his Majesty the sum of two hundred and
		•	twenty thousand three hundred and seven pounds seven shillings and
		• .	tures pence, and applying thirty-four thousand six bundred and turned
			four pounds thirteen shallings and seven pence, heing the belence of
			several rands in the public treasury, making together two hyndred and
		•	nity-four thousand nine bundred and thirty-two nounds and ten penes
	`		to derray the charges of this Government from the first day of James
	, `	-	ry, one thousand seven handred and sixty-two, to the thirty-first day of
	i .		December, one thousand seven hundred and sixty-three, both days inclusive, and for other services therein mentioned
D.	1765.	936,	An Act to revive and continue, for the term therein limited, several Acts and
	!		clauses of Acts of the General Assembly of this Prevince
		•	

D. 1765. No	. 937	An Act for allowing further time to the Inquirers, Assessors and Collectors of the several Parishes and Districts in this Province, for carrying into execution the General Tax Act, passed the sixth day of October, in the year of our Lord one thousand seven hundred and sixty-four, in the fourth year of his Majesty's reign
		An Act to impower the persons therein named to sell and dispose of a tract of land on Wadmelaw Island, therein mentioned, and to purchase another tract for the use of the Minister or Pastor of the Meeting House on John's Island.
		An Act to promote and carry more fully into execution "An Act to incorpo-
	940.	An Act for raising and granting to his Majesty the sum of one hundred and two thousand nine hundred and twenty-seven pounds twelve shillings and three pence, and applying thirty thousand two hundred and seventy
		pounds eight shillings and nine pence, (being the balance of several funds in the public treasury.) making together one hundred and
•		thirty-three thousand one hundred and ninety-eight pounds and one shilling, to defray the charges of this Government from the first day of January, to the thirty-first day of December, one thousand seven hundred and sixty-four, both days inclusive, and for other servi-
	(ces therein mentioned
•	*941	vanna, in the Parish of St. Bartholomew, north-westwardly across
•	/ .	Black Creek and the Great Swamp, being the easternmost branch of the Saltcatcher river, and into the fork, and to the German settlements, and for appointing Commissioners for the same
	•942.	An Act to establish a ferry from Lady's to St. Helena Island; also from hot-
		South Edisto to the land of Wm. Drayton, Esq.; from New Windsor to Augusta; and from the ferry of Moses Kirkland, on Saluda river,
•		to the opposite shore; and establishing a road leading from the said last mentioned ferry; and for making Parker's Ferry a public ferry; and
. •	•	for establishing a ferry from Marr's Bluff to the opposite shore; and to appoint new Commissioners for removing obstructions in the Watere river
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		An Act for establishing a Parish in Berkley County, by the name of St. Matthew, and for declaring the road therein mentioned to be a pub- lie road
	.945.	An Act for appointing an additional number of Inspectors, who may judge and determine what Hemp is entitled to the premiums or bounty given by
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	947.	An Act for granting and allowing to the several inhabitants of this Province
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1317.	An Act to regulate the imprection and exportation of Tobacco of the growth
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STATUTES AT LARGE.

EDITED, UNDER AUTHORITY OF THE SPECIES

AOTOME MILLE

CONTAINING THE ACTS PROM 1786, BYCR.USIVE, TO 1814, INCLUSIVE.

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PREFACE

In March, Da. Cooran becoming too ill to attend to the publication of the Statutes at Large, I was desired by him to superintend the work. By the Resolution of the Logislature of 1835, Mr. Graco, Mr. DaSaussuns and myself, were appointed Commissioners to advise and consult with Dr. Cooper in contracting for and superintending the publication of the Statutes. A contract was entered into with Mr. Johnston, of Columbia, for the publication of the work, which was reported to the House, by the Committee on the Judiciary, in December, 1836, and confirmed by both Houses. On Dr. Coopen's application, I immediately consulted with MR. GREGG and MR. DESAUSSURE, in relation to the work, and as they declined to undertake it themselves, on account of their constant professional engagements, with their kind commendations, and that of the Speaker and Solicitors of the State, and approbation of his Excellency Governor Nostz, I undertook the responsibility of the work. In this undertaking I have felt in the highest degree the delicacy of succeeding so eminent a person in a work of so much importance, and the care and diligence due to it, to render it equal to expectation in usefulness, and honorable to the commonwealth, as a measure worthy of the enlarged views of a State long distinguished for its liberality towards its public institutions. A liberality which her intelligent citizens cannot but consider as happily repaid by an excellent judiciary and a flourishing institution for the education of her sons.

After the death of Dz. Coorza, I received from his Excellency the following appointment:

Executive Department, Columbia, 28th May, 1839.

In consequence of the death of Thomas Coorna, M. D., who was appointed under a Resolution of the Legislature, to compile and digest the Statute Laws of South Carolina, with a digested index thereof, the said office has become vacant:—

Now, in pursuance of the power vested in me, I have appointed, and by these presents do appoint D. J. McCond, Esq. to continue and complete the said work, according to the directions of the Legislature, and under the advice and consultation of the Commissioners named in the Resolution of 1835.

PATRICK NOBLE.

For the index to this volume, I am entirely responsible, and I trust, upon examination, it will be found accurate and full. My intention has been, in case of all general laws, to express in the index every idea contained in the work. Without such an index, a law hook can be of no practical use. In digesting the general index to the whole work, no pains shell be spared to render it complete, until the publication of which, the work cannot be brought conveniently into use, nor its utility be fully felt.

The sixth volume, now in the press, I trust will be finished in the fall. That will comprehend all the general laws, including those of the session of 1838. The series of laws respecting Roads, Bridges, Rivers, Ferries, Canals, Incorporated Societies, City of Charleston, Militia, Slaves and Colored population, Courts, Circuits, &c., will remain to be published. It is to be regretted that this classification was adopted. Although one of the committee who gave their approbation to it when proposed, I am now satisfled that the plan was an incorrect one, and altogether impracticable; the loose manner of legislation, which once obtained in this State, admitting into the same Act many matters having no connexion or relation to the main object of the Bill. The rules of the two Houses now forbid this irregularity, and the intelligent officers who now preside, and have presided for some time past, will no doubt continue to enforce them. In no Acts do these irregularities more frequently occur than in those to Raise Supplies and make Appropriations. The present Chairman of the Committee of Ways and Means, Mr. MEMMINGER, has set a worthy example in the business like manner in which he has drafted the last of these Acts. The general index, however, will remedy this defect. In bringing all matters together on the same subjects, references can be easily made.

These classified Acts, Dr. Cooper at first thought, could be comprehended in one volume, which he continually refers to as the "Last Volume"-a reference which I have kept up, although I think they will make two volumes, which can be finished in the coming year. They, with the general index, will complete the work. A careful examination shall be thoroughly made, to see if any omissions have occurred. For the detection of one omission from the English Statutes made of force, I am indebted to Mr. Speaker WARDLAW. It occurs in the 2nd volume, 546. I mean the Statute of the 9 Ann, ch. 20, Sec. 7, (Grimke, 94,) being "An Act for the amendment of the Law, and the better advancement of justice." The omission seems to have been entirely accidental, as there is a note referring to the Statute at page 753, as being in a preceding part of the volume, Another of the English Statutes, of much less consequence, is omitted in the same volume, at page 512, (Grimke, P. L., 75,) being "An Act to enable Judges and Justices of the Peace to give restitution of possession in certain cases." These, with any others that may be detected, I design to place as an appendix to the 6th volume. Should any errors or omissions occur to the notice of any gentleman, he would greatly oblige me by communicating them to me.

To Mr. Attorney General BAILEY, who has also had the kindness to

express his satisfaction at my appointment, I am indebted for an accurate copy of the "Marriage Settlement Act" of 1736, from the original manuacript, furnished to him by the late Thomas S. Grimke, whose father delifted the Bill. It accounts in a curious manner for the strange mistakes made in engrossing the Act—mistakes which have been the fruitful source of abundant litigation. This I will also publish in the appendix to the 6th volume. The necessity for notes has been much diminished, if not entirely removed, by Mr. Rich's excellent Digest of the Law Cases decided in our Appeal Court—a work which must greatly diminish the labour of the profession.

D. J. McCORD.

Columbia, July 31, 1839.

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1771	An Act to prevent Sheriffs from being preceeded against by Attachment or
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1774	An Act to exemente Clement C. Brown from the payment of interest on a
	cornin Bond therein mentioned.
177.5	An Act to great further time for registering Liquidated Demands against the
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1770	that of William Coranno Hamilton
•1777	10WB414
1778	All the management of the complete and the payment of the complete and the

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¥	1006	An Ast to authorise Richard Androws Rapley, Julias Nichola, Henry Wilson and John Bowie, to self and dispose of all the Lunds, Town Lots and Buildings of the College of Cambridge
	1807	An Act directing the Secretary of State to give up the bond of Thomas Gough, gives for building each keeping in order a Bridge over Pon Pon river at Jacksonborough, and to vest the Ferry in Leslie Gough, for fourteen years 460
	.908	An Act to continue for fourteen years an Act entitled "An Act to incorporate cornain Mechanics, Manufacturers and Handierafts of the City of Charleston, by the name of the Charleston Mechanic Society;" and to alter and ameed the same. 460
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	1911	An Act to alter part of an Act entitled "An Act respecting Slaves, Free Negroes, Mulatines and Mestinoss; for enforcing the more punctual performance of Patrel daty; and to impose certain restrictions on the emancipation of Slaves."
	1813	An Act to amend an Act estitled "An Act establishing a Tobacco Inspection in the City of Charleston."
	1813	An Act to alter the place of holding Elections for Members of the Legislature, in the Election Districts therein mentioned
•	.*1814	An Act to alter and amond the several Acts respecting the importation or bring- ing into this State, from beyond seas, or elsewhere, Negroes and other persons of colour; and for other purposes therein mentioned
	1935	An Act to aid the establishment of the South Carolina College; and to amend an Act estitled "An Act to establish a College at Columbia."
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	-1981	An Act to cetablish certain Roads and Ferries; and for other purposes therein mentioned
	1833	An Act to mise supplies for the year one thousand eight headred and three; and for other purposes therein mentioned
	1883	An Act to make Appropriations for the year one thousand eight handred and three
)	*1884	
		— — — — — — — — — — — — — — — — — — —
	1985	Conveyances for the said District
	•1686	An Act to cetablish Williamsburgh County, according to its present limits, into a Circuit Court District
	*1897	An Act to creet and outshich Lexington County into a Circuit Court District; and for other parameter therein mentioned.
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	*)830	An Act to authorine the City Council of Chadeston, with the consent of Con-
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•		the purpose therein mentioned

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		ton; and for other purposes therein mentioned
	1833	An Act appropriating the sum of One Thousand Two Hundred Dellars for the
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	1840	An Act to authorize and direct the Treasurers to receive the pay bills of the
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	2574	Aff Act to authorize certain Commissioners to loan out the principal same arising
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		lowa
	1975	An Act to reise supplier for the year one thousand eight hundred and five;
		and for other purposes therein mentioned
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		An Act to alter and smend the several Acts heretoftre pessed significant the
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		of Law and Equity in this State
		An Act to logalize the Titles and Grants of certain Aliens, who have since
	1979	WE WAS TO SECTION THE 1-DRE STOL CLASSICS COLUMN WHITE WAS AND STANDING
	•	become Citizent or Designes
	1990	
		of witnesses believe them; and authorizing the said Town Council to con-
		vey, for the use of the Gool in the said Town; s pair of the street on
		which the said Gool is bounded:,
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		Town of Columbia to register their third; and for other purposes therein
		market in the second se
	* 1889	
		purposes therein missioned
	1883	
		the State Bank, the monies they have received, or may henefter receive,
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-		for sale-keeping, such person or persons as may be apprehended, according to Law, in the District of Williamsburgh; and for other purposes therein
	.* .	mentioned
	*1885	An Act to establish cortain Roads, Bridges and Ferries; and for other purposes
	1886	therein mentioned
	1887	An Act to raise supplies for the year one thousand eight hundred and six; and
	1883	in the ship of the left of the trion of the state of
1807.	*1889	An Act to amend an Act entitled "An Act for amending an Act entitled an Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage in Charleston:" and for repealing the first clause of the said Act, or any other Acts as are repugnant thereto
	1890	An Act to authorize the Botanick Society of South Carolina to raise a certain sum by Lottery
	1891	An Act concerning the Town of Sazegotha
	*1992	An Act to alter and amend an Act entitled "An Act concerning the Cavairy and Artillery of this State: and for other purposes therein mentioned;" passed the 16th December, 1797.
	•1893	An Act to give the Militia Officers of this State, who have not taken the oath required by the Act of the General Assembly, passed the nineteenth day of December, one thousand seven hundred and ninety-four, in the manner
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	*1898	An Act explanatory of former Acts relative to the mode of determining the seniority of Officers in the Militia of this State; and for other purposes therein mentioned
	1899	An Act to change the name of John Cottington to that of John Ridgel
	*1900	An Act to incorporate the Union Insurance Company
•	. 1901	An Act to mark and define the lines of division between the Districts of New- berry and Laurens, and the Districts of Horry and Georgetown, and appoint Commissioners therein mentioned.
	1902	An Act to alter the dividing line between Lexington and Orangehoreh District. 545
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	*1904	An Age to incorporate the Beaufort Library Society, and also the Newberry Library Society
	1905	An Act to legalize titles to real property derived from or through Aliena, and to enable Aliena, under certain conditions therein mentioned, to hold, convey and device real property
	1906	An Act authorizing the Trustees of the Newberry Academy, and the Indepen-
	*1907	dent Congregation of Beanfort, to raise sums of money by way of Lottery 548 An Act for the establishment of Roads, Bridges and Ferries; and for other purposes therein mentioned
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1910		Act to notherize and direct the Treasurers to receive the Pay Bills of the
1316	AH	members of the Legislature and Solicitors for the present semion, in pay-
		ment of taxes, or to very the same out of the unappropriated monies in the
		Treasury : and for other purposes therein mentioned
*1911	Am	Act for the better arrangement of the sittings of the Courts of Equity;
		for the establishment of Courts of Apprel for the same; and for other pur-
		poses therein mentioned
1912	Àn	Act authorizing the more speedy recovery of Rent; and for other purpo-
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1913	Αb	Act providing for carrying into operation the provisions of an Act amend-
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3034	• -	State, proposed by the last and ratified by the present Legislature
1914	AB	Act to authorize the citizens of this State, in the several Circuit Districts within the same, to elect, by hallot, the Sheriffs within their several and
		respective Districts
1915	٨.	Act to vest in the Judges of the Courts of Common Pleas the powers apper-
		taining to and exercised by the Courts of Equity, as to the appointment
		of Guardians, so far as may relate to the right of Minors in any cetate to
		be divided under the Act passed in the year of our Lord 1791; and for
		other purposes amendatory of the laws
•1916	Αı	Act requiring the Major Generals of Militia of this State to cause one uni-
		form system of evolutions to be adopted by the Cavalry within their res-
•		pactive divisions; for perfecting the several officers of Militin throughout
		this State in their military duty; and for other purposes therein mentioned 573
*1917	As	Act to incorporate the South Carolina Homespin Company
1913	AI	a Act to make provision by law for any child or children that may be born subsequent to the making and executing the last will and testament of any
		person, but previous to the occesse of such person; and amendatory of
		the Act abolishing the rights of primogeniture
1919	A1	n Act to yest two tracts of land on Edisto Island in the members of the Epis-
		copal Church of Ediato Island
1920	À	n Act for compelling all Mastern of Vessels lodging Seamen in the Gaols of
		the seaport towns, to give security for taking them away, and for their
		maintenance
.1331	A	n Act to akter and amend "An Act to incorporate Charleston;" and for other
		purposes therein mentioned
1922 1923	A	n Act to suspend forever the sale of certain Lands therein mentioned574 n Act to amend an Act estitled "An Act to code to the United States various
1713	. ^	Forts and Fortifications, and sites for the erection of Forts," passed the
		mineteenth day of December, 1895
*1924	A	n Act amending the Charter of the Winyaw Indigo Society; and for other
		perposes therein mentioned
*1925	A	n Act to incorporate the several Societies therein mentioned
1996	A	n Act to enable the Catawha Indiane to make leases of their lands for life or
•		lives, or term of years; and for other purposes therein mentioned
1927	A	in Act to remit the Enchest which has accrued to the State of one moisty of
		the estate of the late Nicholas Winckler, Jr., deceased, and to vent the same
		in the sisters of the bald Nicholas Winckler, and the issue of such of them
1996		as are decessed
1730		which has accreed to the State, and to vest the same in the persons thereis
		named."
1925		in Act to release the Commissioners of Pendicton County Court, and to vest
		in the hands of Commissioners the funds which may be due to the mid
		Commissioners, as Commissioners of the said County Court, for the pur-
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	pass;" and for other perposes therein mentioned
•	1931 An Act to grant to James W. Cotton the exclusive privilege of renning a Stage
	Coach to and from certain places for a limited tibe
	Correct the Control of the Control o
	The supplies of the very continued and and and and and and and and and an
	and on other purposes therein mentioned
	and the manufacture of the Year one thomas at early handed and
1809.	**************************************
	the companies to drawing of the Grand James for Charleson and Co.
	order purpopes therets mentioned
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	Of the Otale,
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	my mout of Wards; and directing the representation thereof in Con-
_	on to be apportioned on the principle of properties and sometimes and comments.
	you're purposes therein mentioned
	the cost of the Attornes, Clerks and Chariffe in annual
•	CONTRACTOR OF THE PROPERTY OF
•	to an act to amount and explain the States of this State
	?1941 An Act to authorize the City Council of Charleston to erect and build, within
	the enclosure of the city burial ground, lying without the city, on the bor-
	ders of Ashley river, a substantial brick magnisse, for the storing of gun-
	powder
	*1942 An Act to incorporate the several Societies therein mentioned; and for other
	purposes.
	purposes
	1943 An Act to prevent individuals building or erecting houses or other buildings on
•	the public squares, whereon the gads and court houses in the several dis-
	tricts are erected; and for other purposes therein mentioned
	1944 An Act to amend an Act entitled "An Act to prevent the spreading of Conta-
	gious Distempers in the State," an also "An Act to amond the law respect-
	ing Quarantines."
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	mp accept members to Presovietian Church in the Daniel of C. Darry
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	mand times to a certain tract of land nurchand by losesh I seek at Sharier.
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	y most to establish a Louisty to raise money for the oppose of builting
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	purpose of repairing the Emecode Church in Consession tre
•	21950 An Act to incorporate the Mount Pleasant Academy, in the Parish of Christ
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	Church, and to enable the trustees to recover a legacy for the education of the poor children of the said Parish
	of the poor children of the said Parigh. 601
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	i and the property to the Honorable losest Danney to the
	State of South Caroline for three months, between the first of May and
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D.	1809	1954	An Act to regulate the place or places for holding general Elections for mem- bers of the Legislature, in the election districts in this State, and for re-
		1955	pealing all Acts relative therets, 603 An Act to establish a Warehouse and Inspection for Tobacca, and fir the recep-
			tion of Cotton and other produce, on the lands of Asron Perrel, on Tonga- leo river, in the District of Pendleton; and for other purposes
	P .	1956	An Act to change and alter the same of Charles Richardson, of Claremont
	:	1957	County, in Sumter District, to that of Charles Rich
	•	*1958	An Act to alter and gmend an Act estitled "An Act to incorporate the Society commonly called and known by the name of the Pallowship Society,"
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	•	1960	Sentee, and from Santee into Cooper or Wando river
		1961	for other purposes therein mentioned
			An Act to make Appropriations for the year one thousand eight hundred and nine
	1910.	1968	An Act to alter and amend an Act entitled "An Act for regulating the inspec- tion and exportation of Tobacco; and for other purposes therein men-
	į.	1067	tioned."
	:-		Locations
		*1964	An Art to incorporate the Union Bank of South Carolina
		1965	An Act to define and establish the compensation which Sheriffs shall in fature receive for dieting Negroes confined in Gool; and for other purposes there-
-	•	1366	in mentioned
	•	1 700	An Act to authorize the Board of Directors of the South Casolina Homespun Company to establish a Lettery or Lotteries for the benefit of the said Company
		*1967	An Act to incorporate the Protestant Episcopal Society for the advancement of Christianity in South Carolina. 630
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		1969	An Act authorizing the Gaplers of Charleston, Williamsburg, Marion and Horry
		•	Districts, to meetive and take charge of persons liable to be committed in Georgetown District; and for building a Gool in the town of Georgetown620
		1970	An Act to authorize certain Societies to raise a sum of money by Lettery; and
		*1971	for other purposes therein mentioned
		*1973	An Art to incorporate the acresal Societies, and for other purposes therein mentioned.
		, 1 973	An Act to regulate and ascertain the rates of landing, storing and weighing of Preduce in the town of Georgetown; and for abolishing the impaction of certain articles therein mentioned in Charleston and Georgetown
		1974	An Act to increase the number of Justices of the Quorum and Justices of the Peace, in several Districts in this State
			An Act to incorporate the Planters and Mechanics Bank of South Carolina 635
			An Art establishing a Court of Equity in and for the District of Beaufort; and for other purposes
		•1977	An Act to establish certain Roads, Bridges and Perries; and for other purposes therein mentioned
	-	1978	
		1979	An Act to make Appropriations for the year one thousand eight hundred and ten
			America de la circa de la circa de la compansión de la circa del la circa de la circa del la circa de la circa del la circa de la circa del la circa del la circa de la circa del la circa de la circa de la circa de la circa del la circa de

1980	An dat to establish Pror Schools throughout the State
1981	An Ket to repeal all Acts and closes of Acts requiring the owners of Mill-
	dams on Tyger siver to bresp them open for the passage of Fish up the
*1982	An Act to incorporate the Charleston Fire Insurance Company
1983	
	beard by bimsetf or counsel
1984	An Act to amend an Act entitled "An Act to repeal an Act of the General
	Assembly of this State satisfied an Act for the better regulating the streets
	and markets of the Town of Columbia, and to incorporate the said town."64
*1965	An Act to authorize the widening of State, late Motte and Union-streets, in the
	City of Charleston, in such manner and under such provisions as are berein
	specified
*1986	An Act for amending the charter of the Planter's and Mechanic's Bank of South
•	Carolina; and for other purposes therein mentioned
1987	An Act to make appropriation for the support of a Professor of Chemistry in
	the South Carolina College
1999	An Act to vest in Hugh Milling and his heirs the right and title of the State to
*1989	a certain tract of land
*P-09	An Act to authorize the Commissioners of the Orphan House of Charleston to
	select the number of youths therein mentioned, from those educated and
	maintained on the Lounty of that institution, who shall be allowed to com-
*1990	plete their education at the South Carolina College
	An Act for regulating the Courts held by the Associate Judges of this State at the conclusion of their respective circuits, and of the Courts of Appeals
	held by the Judges of the Courts of Equity, within this State; and for other
	purposes therein mentioned
1991	An Act to appoint certain Commissioners to establish the Parish lines between
	St. Philip's and St. Andrew's; between St. Andrew's and St. James,
	Goose-Creek; and between St. Andrew's and St. George's, Dorchester;
	between St. Pittip and St. James, Gones Creek; and between St. James
	Gouss-Crock, and St. George, L'orchester
1992	An Act to prevent any person that now holds, or who may hereafter hold, the
	office of Ordinary of any District in this State, from practicing as an Amer.
	ney, Solicitor or Counsel, in any of the Courts, either of Law or Foreign
	within this State; and for other purposes therein mentioned
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*1004	and its waters66
•1994	An Act to establish certain Roads, Bridges and Ferries; and for certain page.
*1995	poses therein mentioned
1333	An Act to incorporate the Pendleton Circulating Library Society, the Sumter-
*1996	ville Library Society, and the other Societies therein mentioned
	An Act discontinuing the public road leading over the Canseway at and passing through Willtown; and establishing as a public road the road leading by
	Old Black Mingo Ferry; and for reviving an Ordinance, pessed in the
•	year one thousand seven hundred and ninety, for laying open the maviga-
	tion of Black Mingo creek
1997	An Act to authorize and empower the Trustees of the Wedsworthville Poor
	School, in Laurene District, to alien and sell certain lands therein men-
	GMOGG
1998	An Act to Euthorize the Intendent and Wardens of the Turn of Beauty
	my out otreets on Black's Point in the Town of Response, and for other
•	purposes therein mentioned
1999	AB AC TO BELBOTIZE COTTAIN DETRODE therein mentioned to change their persons
	DERDEL
2000	'All Act to after the time of the stated meeting of the Rosed of Trust and the
	COURS CEPOINS College: and for other parameter therein mentioned at
2001	An Act to raise supplies for the year one thousand eight hundred and eleven:

- 1	9009	As Act to make Appropriations for the part one thousand eight handred and
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i	2003	An Act prescribing, on the part of this State, the times, places and menner of
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	-	An Act to extend the provision of an Act entitled "An Act to remedy the de-
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		County Courts, as to mention and cases in which the Ordinaries of those
•		dustricts may be respectively interested," passed the seventh day of March,
		one thereand seven hundred and eighty-nine, to all the Circuit Court dis-
		One theseing series against and office, to at the cacer court of
		tricts throughout the State
	2006	An Act for ratifying and confirming a Convention between the State of South
		Carolina and the State of North Carolina, concluded at Columbia, in the
		State of South Carolina, on the eleventh day of July, in the year of our
		Leed one thousand eight hundred and eight, and in the thirty third year of
		the Independence of the United States of America
	9006	An Act making additional appropriations for the year one thousand eight hun-
		dred and twelve
	2007	An Act providing for the better defence of this State; and for other purposes
		thereia mentioned
•	2008	An Act to prevent the persistent practice of Duelling
	2009	An Act to authorize and oblige the several Galolers in this State to receive for
		eafe keeping such person or persons as may be apprehended or may be in
		confinement according to hw, in any district wherein the gad or gads now
		are or may hereafter be, destroyed by fire or other accidents; and for
		ether surroses therein mentioned
	-2010	An Act to exempt the officers, non-commissioned officers and privates of the
		City Good of Charleston from militia duty:
	2011	An Act to increase the number of Justices of the Querum and Peace in several
		Districts in this State
	9019	An Act making it manacessary for the Sheriffs of certain Districts, herein men-
	~	tioned, to advertice sales of property taken in execution in the public
• !		Gasener
	-	An Act limiting the term of service of certain officers, who have heretofore
:	- A/13	held their offices, during good behaviour; and for other purposes therein
1		medicand
		As Act to incorporate the Free Mason Hall Company
	-WH	An Act to afford Landlords or Lessors an expeditious and summary mode of
•	2013	gaining re-possession from senants-or lessees, who shall hold over after the
		Crimical to-boustesson many recommends tensions, with suppl and a contract to the contract to
		determination of their leases
		An Act to smend an Act entitled "An Act to authorize the opening and widen-
		ing of Sente, Into Motte and Union streets, in the City of Charleston, in
		such manner and under such previsions as are berein specified."
	3017	An Act to smead an Act esticled "An Act for regulating the admission of
		America and Soliciters to practice in the Courts of this State."
	2014	An Act to abor and amend an Act entitled "An Act to enable the Catawha
		Tourism to make leases of their lands, for life or lives, or terms or yours;
	-	and for other purposes therein mentioned."
	2011	a An An an anable the Company for eneming a Canal from Beck Myor to Compet
٠.		Bridge to raise by Lessery the men of five thousand double
	103	An Act to coable John Rowman to change his present name to that of John
		Bornes Lunch
	*202	the Annual of the benefit of the ben
	2/12	a An Arean mine manager for the year one thousand eight handred and Iwelve;
		and freehor promotes therein mentioned
	200	a . A . A . A
	#JE.	
_	*	
.	7.5	Judges of this State, at the conclusion of their respective Circuits, and of
-	1	the Courts of Appeal hold by the Judges of the Courts of Equity
i		within this State," passed the twenty-first day of December, in the year of
5		MICHE (19th Grave) because one resemblerer del or passenting and a

1814.

our Lord one thousand night hundred and eleven, by changing the day for holding the Courte; and for logalizing the Jury drawn for the next ensuing 2025 An Art making additional appropriations for the year one thousand eight hea-\$2027 An Act to explain and amend all Act entitled "An Act to establish a Bank, on 2028 An Act to authorize the Hon. Theodore Gaillard, one of the Judges of the Court of Equity of the State, to leave the same for the time berein mea-\$2029 An Act for appointing an additional Commissioner or Master in Equity for the Court of Equity in Charleston; and for other purposes therein mentioned .. 696 9030 An Act to allow the United Status to exercise jurisdiction for certain purposes over the land on which Fort Mechanic is arected, in the Cay of Charleston .696 2031 An Act to incorporate the several Societies therein mentioned; and for other 2032 An Art for ratifying and confirming a provisional agreement entered into between the State of South Carolina and the State of North Carolina, conchided at M'Kinney's, on Toxoway river, on the fourth day of September. *2033 An Act to alter the times of holding the Courts of Common Pleas and General 2034 An Act attaching to the District of Lancaster that portion of territory included within the limits of this State, by the line lately run out, from the terminafion of the line of 1764, at the Salisbury road, to the South-east corner of the Catewba line at 12 mile Creek; and for other purposes relating thereto. 697 2035 An Act to authorize the Sheriff of Chester District, or his successor in office, to execute titles to Joseph Robins for a certain tract of Land therein mea-*2036 An Act appointing Commissioners to by out and make a portuge at Lockert's 2037 An Act to prevent the obstructions to the passage of fish up Reedy river, from its mouth to the Tumbling Shoals; and for other purposes therein mea-2038 An Act to authorize the Commissioners of the Pendieton Circulating Library Society to alter the western boundary line of the public square in the 9039 An Act to alter the name of Martha Campbell to that of Martha Smith; and to change the name of William Washington Bray Ellie to that of William *2040 An Act to establish certain Roads, Bridges and Ferries; and for other perposes 2041 An Act to raise supplies for the year one thousand eight hundred and thirteen; 2042 An Act to make appropriations for the year one thousand eight handred and 2043 An Act to enable persons, bereafter, on petition to the Courts of Law or Equaty in this State, to change their names; and for other purposes therein men-*2046 An Act to prolong the time for certain militie officers to take the cath or affirma-*2047 An Act to alter and amond the charter of the Bank of the Sexte of South Caroline, so far as relates to the issuing of hifls of a less denomination than one dollar; and for other purposes therein mentioned..... *2048 An Act to incorporate the several Societies therein mentioned; and for other

STATUTES AT LARGE.

AN ORDINANCE TO SUSPEND ALL SALES BY EXECUTION, FOR THE No. 1341.

SPACE OF TWENTY DAYS.

I. Be it ordained, by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, Sales under That no sale of any estate, real or personal, within twenty days after suspended. the passing of this Ordinance, seized under execution, shall be deemed or held to be valid in law; and the sheriffs, or other officers, of the several and respective districts within this State, are bereby required, authorized, and empowered to postpone the sale of all such estates, real or personal, as have been or shall hereafter be seized under execution within the twenty days aforesaid; and every sheriff or other officer who shall proceed to the sale of any estates within the twenty days as aforesaid, shall forfeit his office, and be rendered incapable, upon conviction, of holding any office of emolument or profit within this State, for the space of six years: provided, nevertheless, that no sheriff or other officer, except those of Charleston district, shall be held liable to the penalty of this Ordinance, if he or they shall give satisfactory proof upon oath, in any court of record in this State, that he or they were neither informed nor knew of the passing of this Ordinance.

In the Senate House, the twentieth day of February, in the year of our Lord one thousand seven hundred and eighty-erven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, President of the Senate.

JOHN J. PRINGLE, Speaker of the House of Representatives.

AN ACT TO ESTABLISH THE LEGALITY OF NOTICES WHICH MAY BE NO. 1342.

GIVEN IN THE STATE GAZETTE.

I. Be it exacted, by the honorable the Senate and House of Representatives, now mot and sitting in General Assembly, and by the authority Legality of of the same, That from and immediately after the passing of this Act, all public notices, notices whatever, which shall be published in the State Gazette, shall be deemed, held and received as logal notice for the district of Charleston, in VOL. V.—1.

STATUTES AT LARGE

SOUTH CAROLI

EDITED, UNDER AUTHORITY OF THE

THE FOLLOWING TITLE WAS

MICROFILMED FROM THE HOLDINGS OF

BROWN UNIVERSITY

DAVID J. McCORD.

VOLUME SIXTH,

CONTAINING THE ACTS FROM 1814, EXCLUSIVE, TO 1838, INCLUSIVE.

ARRANGED CHRONOLOGICALLY-

WITH AN APPENDIX.

COLUMBIA, 8. C.
PRINTED BY A. E. JOHNSTON.
1839.

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N. B.—The Acta which are referred to the last volume are marked thus ".

War. 15,1877

A. D. 1815. No. 2008. An Act to authorize Creditors holding the bodies of their Bebtors in execution to discharge them, without impairing the binding efficacy of their judg-*2069. An Act for the organization of the Staff of the Militin of South Carolina; and 2070. An Act for the relief of the widows and orphans of such persons who died or were killed, of who have died by diseases contracted, in the late war between the United States of America and Great Britain. *2071. An Act to alter and amend the Militia Laws of this State...... *2073. An Act to establish certain Roads, Bridges and Perries thesein mentioned...... 2073. An Act supplemental to the Vendue Act, pessed the seventeenth day of March, in the year of our Lord one thousand seven handred and eightyfive, giving the owners of property disposed of by Vendue Masters er Auctioneers, summary redress against them for the amount of the sales thereof...... 2074. An Act to authorize the collection of Interest on Judgments and Decrees, and to remove the necessity of frequent revivals thereof...... *2075. An Act to postpone the meeting of the Court of Appeals in Equity at Columbia, in the fall, one week, so as to prolong the Court in Charleston; and fer 2076. An Act confirming the title of John M. Hopkins to a lot of Land derived through an Alien.....5 *2077. An Act to incorporate the Pishing-creek Circulating Library Society in Chester district, and the Ladies Benevolent Society of Beaufort district....... 2079. An Act to fix the value of Lands in this State for Taxation; and for other purposes therein mentioned......7 *2081. An Act for the creation of an additional circuit, so as to prolong the Terms in the Districts of Charleston, Colleton and Beaufert; and for other purposes therein mentioned......10 2084. An Act to vest in James Douglass a certain lot of Land in the City of Charles-2085. An Act to alter the manner of electing all District Officers, and to give the powers of electing the same to the people of their respective Dis-*2086. An Act to confirm the division of the City of Charlesten into four Wards, as directed by an Act passed 19th December, 1889; and for other purposee therein mentioned......13

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	2083	An Act for the relief of James Barkley, David Peterson, and Nathaniel Wil-
*	0000	liams
	zuna.	of the States of South Carolina and North Carolina, establishing the
•		dividing line botween the said States, concluded at Greenville, in the
•		State of South Carolina, on the 2d day of November, 1815
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•		State,
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	*\$109.	nation of one Dollar; and for other purposes therein mentioned34 An Act to continue in force an Act entitled "An Act to incorporate the Town of
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. •	2110	
. • •		thester, and St. James Goose-creek, which has been run out by Com-
	1	and the second of the second o

L.	No.	inimisates appointed for thes physpens and for other purposes thirein
		An Act to incorporate the Winyaw and Wassle Casel Company; and for eth-
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	1	of a Marine Housital and for other parocess therein mentiones.
	3132	As As to you in the incorporated Vestry of the Parish of Callet Assume
	i	mourage to dispose of a portain track of land therein mountains
	3122.	An Act authorizing Elias Herry, Esquire, Intendant of the City of Charleston, his heirs or executors, to convey, in fee simple, to the United States of
		America, two lots of land in the Village of Hampstead, as aske for a
		Marine Married
	*3134	An Act to establish certain Roads, Bridges and Ferries; and for other purposes
		shoosin mantinged
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		Court of General Sessions and Common Pleas of the State, to leave the same for the time therein mentioned
		An Act to enable parties to suits in the Courts of Law and Equity in this State,
	2130.	to take the examination, by commission, of witnesses who are about to
	,	laure this firsts
_	2197.	A Rill to shee the third Section of the teath Article of the Constitution of the
		State of South Combine
	2196.	An Act to raise supplies for the year one thousand eight hundred and sixteen;
	•	and for other purposes thereis mentioned. An Act to make appropriations for the year one throughd eight handred and
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-	9130	An Ant to receive a more expeditions made of disposing of such motions as
	21500	way he made for New Trial and in arrest of Judgment, and some
		noints of Law as may be submitted to the Judges ; and for other pur-
	2131.	An Act to alter and amond an Act settiled "An Act to confirm the Treaty be-
		tween the State of South Carolina and the Cherokee Indiana, relin- quishing the title of the said Nation of Cherokee Indiana to that part of
		at the commission larger within the chartered limits of that black i per an-
	Ì	neinting Commissioners to resurvey and by out the said lands; and
	.	pointing Commissioners to re-survey and lay out the said lands; and for other purposes therein mentioned."
	2132.	An Ant making appropriations for the Extra Session of the Legislature, in the
	T	year one thousand eight hundred and seventeen; and for other purpo-
	1	ses therein mentioned
	ļ	•

2136. An Act to compel satisfaction to be entered on judgments, mortgages and decrees.

2137. An Act to authorize the Comptroller General to purchase the charter of the Catawha and Wateree Company; and for other purposes therein mentioned.

2138. An Act to extend the incorporation of the Saint Andrew's Society of the City of Charleston.

2139. An Act to regulate the Licensing of Physicians to practice; and for other purposes therein mentioned.

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2157. An Act to repeal an Act entitled "An Act to vest two Tracts of Land on Ed-

and for other purposes therein mentioned.

*2156. As Act to amount the Act licorporating the Proc School in St. George's, Docchester.

*2130. An Act to excuse certain persons therein named from the performance of ordimary Militia duty, and serving on Jurios.

*2160. An Act to establish certain Roads, Bridges and Ferries; and for other purposes

bland in the Manhers of the Esisopel Church of Edisto Island

*2169. An Act to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned

*2461. An Act to suspend an Act businled "An Act to improve and extend the navigation of Black River."

2163. An Act to authorize and require the Comptroller General to subscribe seven Shares in the Winyaw and Wands Canal Company; and for other purposes therein mentioned

*2163. An Act requiring accounts Country Dockets for Charleston district; and fixing

a time for the trial of country causes in said district.

2464. An Act to enable the person or persons employed in precuring a Map of the State, to have access to certain offices therein mentioned.

2465. An Act to authorize the Judges of the Courts of Law or Equity, to order and appearst, from time to time, a special court in the several districts of this State; and fer other perposes therein mentioned.

2466. As Act to exempt the Officers of the Custom House, is the City of Charleston, frum serving on Juries.

2172. An Act to increase the number of Justices of the Peace in Newberry and Spartanburgh districts, and Justices of the Quorum for Union district, and Justices of the Peace and Quorum for the Parishes of St. Philip's and St. Michael's.

2173. An Act to raise supplies for the year one thousand eight hundred and seventeen; and for other purposes therein mentioned.

2373. An Act to make appropriations for the year one thousand eight hundred and seventeen; and for other purposes therein mentioned.

2373. An Act to make appropriations for the year one thousand eight innormal and seventeess; and for other purposes therein mentioned.

*2374. An Act to Incorporate the "harleston Fire and Marine Insurance Company...

*2375. An Act to enlarge the jurisdiction of the inferior City Coart of Charleston...

*2376. An Act to alter and amend the Charter of the Bank of the State of South Carolina...

*2377. An Act directing a Census to be taken of the Free White Inhabitants of this State...

2178. An Act to appropriate and set apart one million of dollars for internal Improvements; and for other purposes therein mentioned.

"2179. An Act to give the Judges of the Court of Sessions and Common Pleas the same authority to grant Write and hear and determine Motions at Ghambers, so they new have in open Court; and for other purposes therein mentioned.

usually emnannelled.....

*2180. An Act to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned.

*2181. An Act to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned.

*2182. An Act to establish cases be used to establish cases be used the term of one week, for which they are

D. 1818.	No. %183.	An Act to establish three Circuit Courts in Charleston District; and for other
	*3184.	An Act to alter and amend the Charter of the Bank of the State of South Carolina
	*3185.	An Act to repeal so much of the fourth section of the Act of 1769, as arthorises the Governor and Commander in-chief, in certain cases, to appoint and commission persons to hold the courts of sessions and common
	· 2186.	An Act to empower the Managers of Elections hereafter to be held, to administer to each other the oath prescribed by law to be taken before entering upon the duties of their appointment; and to prescribe the mode of filling vacancies when they occur.
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	श्रीक्ष.	An Act to open and improve the navigation of the Dockon and Whappshoola Creeka, and to establish a Public Landing at the head of the navigable waters thereof
	*3195.	An Act to repeal the Act passed at December session, in the year one thou- sand eight hundred and sixteen, and the amendatory Act thereto, passed at December session, one thousand eight hundred and seven-
	•	teen, prohibiting and restricting the bringing of negroes into this State from the sister States.
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,	*2196.	An Act to alter and amend an Act entitled "An Act to appoint a Board of Commissioners for the City of Charleston, with power and authority to
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	*3199.	An Act to excuse the officers of the several Branches of the Bank of the State of South Carolina, from the performance of ordinary Militia duty, and serving on Juries
	*2900.	An Act to incorporate certain Societies
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	2902.	Wardens therein

		•
D. 1818.	No. *2203.	An Act to incorporate the Grand Lodge of Ancient Free Masons of South
	2904.	Caroline; and for other purposes therein mentioned
	1 .	row money for the purpose of supplying the said town with water.
	. 1	and for other purposes therein mentioned.
	22 05.	An Act to amend an Act entitled "An Act to authorize the Governor of this
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	2206.	early as possible; and for other purposes therein mentioned."
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	****	for other purposes therein mentioned
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	*2214	rine Insurance Company, passed in the year of our Lord 1818
	44.4	much of the second clause of the Charter incorporating the City of
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\$		certain tract of Land, of which William Spleen, late of York District.
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•	*2220.	An Act to provide for the more effectual performance of Patrol Duty
	\$121L	An Act to authorize William Smith to stop or change the course of a certain
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	*2322	An Act to lengthen the term of the sittings of the Courts of Common Pleas
		and General Sessions for the judicial district of Horry; and for other
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		An Act to require the Sheriffs of Kershaw district, hereafter to be elected, to give bond and security in the sum of twelve thousand dollars, for the
		due and faithful discharge of the duties of their office
	2324.	An Act to provide for the better regulation of the streets in the town of
	_	Beaufort
	***************************************	An Act to incorporate John L. Sullivan and others, by the name and style of
•		the South Carolina Steam Navigation Company
		An Act to appoint Commissioners to assess the value of a lot or lots, in the vil-
	2226.	lage of Walterborough, for the site of a Court House and Geol
		TOTAL TOTAL OF SHORE TOTAL

. D. 1819.	No. 382 7.	An Act to establish a new Court House and Gool, near the center of Marthe- rough district
	923 8,	An Act to amend an Act souttled "An Act to incorporate the village of Moul-
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	2229.	An Act to raise supplies for the year one thousand eight hundred and nineteen; and for other purposes therein mentioned
	323 0.	An Act to make Appropriations for the year one thousand eight hundred and
_ :		nineteen; and for other purposes therein mentioned
. D. 1920.	*2231.	An Act to incorporate the Union Insurance Company
	· *2231.	An Act to give the same compliment of Officers to Companies of Artiflery, in
		this State, as are required, by the laws now in force, in the United
		States service; and for other purposes therein mentioned
	2233,	An Act to increase the number of Justices of the Quorum and Peace, for cer-
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4		Carolina, a body politic and corporate
	2235.	An Act to increase the security of Sheriffs of certain Districts within this State.
	*2236.	
	A400.	An Act to restrain the emancipation of Slaves, and to prevent free persons of color from entering into this State; and for other perposes
	*2237.	
	2231.	An Act to amend an Act entitled "An Act to enlarge the jurisdiction of the
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9	•	and for other purposes therein mentioned14
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SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE L

LATER.

37

DAVID J. McCORD.

VOLUME SEVENTH,

CONTAINING THE ACTS RELATING TO CHARLESTON, COURTS, SLAVES, AND RIVERS.

COLUMBIA, S. C.
PRINTED BY A. S. JOHNSTON.
1840.

Nov. 15, 1897

#### NOTICE.

As it is an age when our institutions are likely to be misrepresented, the Editor thinks it proper to call the attention of the reader to the fact that all the laws on the subject of slaves, from the year 1690 to 1751, included between the pages 343 and 426, of this volume, expired before the revolution. If the false philanthropist of the day chooses to quarrel with any enactments during that period, let him recollect that they were British, not American Laws; and that the free people of South Carolina have no cause to blush at any enactment of theirs.

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THE FOLLOWING TITLE WAS
MICROFILMED FROM THE HOLDINGS OF
BROWN UNIVERSITY

STATUTES AT LARGE'

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLAT

DAVID J. McCORD.

VOLUME EIGHTH,

CONTAINING THE ACTS RELATING TO CORPORATIONS AND THE MILITIA.

COLUMBIA, S. C.
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1840.

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NOTICE.

Att Militia Laws previous to the Act of 1794, re-organizing the Militia of the State, in conformity with the Act of Congress, were repealed by that Act, and have been omitted.

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THE FOLLOWING TITLE WAS
MICROFILMED FROM THE HOLDINGS OF
BROWN UNIVERSITY

#### STATUTES AT LARGE

SOUTH CAROLINA

EDITED, UNDER AUTHORITY OF THE LEGIATUR

DAVID J. McCORD.

VOLUME THE NINTH,

CONTAINING THE ACTS RELATING TO ROADS, BRIDGES AND FERRIES,
WITH AN APPENDIX,
CONTAINING THE MILITIA ACTS PRIOR TO 1794.

COLUMBIA, S. C.
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_			other purposes therein mentioned
		1461.	An Ordinance for building a drawbridge across Wappoo creek
		1470.	An Act for building a bridge across Ashley river
A. D. 1791.		1506.	An Act for laying out and keeping in repair a public road leading from New
			River bridge, down to Tunbridge on New River neck; and from
			thence, the nearest and best route, to the mouth of Savannah Back
			river, including the road leading from Purysburg lately laid out
			and worked on, to continue so as to intersect the same
		1507.	An Act for laying out certain roads and establishing certain ferries; and for
			other purposes therein mentioned
		1508.	
			expense, across the Congaree river; also, a bridge over the Savan-
			nah river, opposite the town of Augusta, in the said Wade Hamp-
			ton, his heirs and sasigns, for the term therein mentioned; also, vest-
•			ing a bridge, to be built by John Compty, across Broad river, above
			the confluence of Broad and Saluda rivers
		1612	An Act for building a toll bridge across Edisto river, in the county of
		1313,	Orange, from some place at or near the old mill seat, situated within
•			the limits of the town of Orangeburg, on the north side of the said
•			river, to the most convenient apot on the south side of the said river;
			and for making a causeway through the swamp, leading from the
		1	said bridge to the main road leading from Ninety Six to Charles-
	•		ton; and for vesting the said bridge, when built, in such person or
			persons, his and their heirs and assigns, for a term not exceeding
•	•		twenty-one years, as shall be at the expense of building the said
•			bridge and making the said causeway, and keeping the same at all
			times hereafter in repair during the said term
A. D. 1792	•	1565	
			which was vested in the late Col. Richard Hampton, his heirs and
			assigns, by Act of the Legislature

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A. D. 1796.	1651.	Chatham, in Chesterfield county, and to vest the same in Flimberh	
	1656,	Bishop, her heirs and assigns, for the term therein mentioned	
A. D. 1797.	1678.	An Act to establish the roads and ferries therein mentioned; and for appointing commissioners of the streets and markets in the town of	
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	value, in money of Great Britain, of such bills, at the respective times of their creating and issuing, and the value of
	their creating and issuing, and the value of such bills in money of Great Britain at this time; and also, an account of the
	Britain at this time; and also, an account of the rates and prices of gold and silver coin in the Province of South Caroline in the Province o
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	1730, and at this present time
	₽

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STATUTES AT LARGE

•

SOUTH CAROLINA:

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

ВV

DAVID J. McCORD.

VOLUME THE TENTH.

CONTAINING THE GENERAL INDEX:

ALSO

A LIST OF ALL THE ACTS OF ASSEMBLY.

-000-

COLUMBIA, S. C.
PRINTED BY A. S. JOHNSTON

THE FOLLOWING TITLE WAS
MICROFILMED FROM THE HOLDINGS OF
BROWN UNIVERSITY

Nor 15,187;

NOTICE.

After the printing of the 9th volume, and so much of the General Index as relates to Banks, where it is stated that the "Bank Act" of 1712, could not be found, Edmund Bellenger, Jr. Esq., had the kindness to communicate to me where a copy of that Act could be procured, in the Library of the Legislature of this State, in a M. S. copy of the "Temporary Laws" of the State. I am, also, further indebted to Mr. Bellenger for "An account of the rise and progress of the Paper Bills of Credit in South Carolina, from the year 1700," &c. By whom it was drawn up I cannot say, but as it is found in "Indian Book, No. 9," a M. S. volume in the Library of the Legislature, belonging, I presume, to the Secretary of State's office, I cannot doubt but that it is an official document, prepared by public authority in 1739. I should not think that I had performed my duty to the Public, if I did not embrace this "Account" with the "Back Act of 1712," in this publication. I have therefore placed them at the end of the 9th volume.

DAVID J. McCORD.

THE FOLLOWING TITLE WAS
MICROFILMED FROM THE HOLDINGS OF

BROWN UNIVERSITY

PUBLICLAWS

SQUTH-CAROLINA,

FROM ITS FIRST ESTABLISHMENT AS A BRITISH PROVINCE DOWN TO THE YEAR 1790, INCLUSIVE,

IN WHICH

Is comprehended such of the STATUTES of GREAT BRITAIN AS WERE MADE OF FORCE BY THE ACT of ASSEMBLY OF 1712,

With an Appendix containing fuch other Statutes as have been enacted or declared to be of force in this State, either virtually or expressly,

TO WHICH IS ADDED

THE TITLES OF ALL THE LAWS (WITH THEIR RESPECTIVE DATES) WHICH HAVE BEEN PASSED IN SOUTH-CAROLINA DOWN TO THE PRESENT TIME,

ALIO

The Constitution of the United States with the amendments thereto,

AND LIKEWISE

THE NEWLY ADOPTED CONSTITUTION OF THE STATE OF SOUTH-CAROLINA,

TOGETHER WITH A COPIOUS INDEX TO THE WHOLE.

By the Honorable JOHN FAUCHERAUD GRIMKE, Efq. A. B. & L. L. D. and one of the affociate Judges of the Superior Courts in the State of South-Carolina.

Misera Servitus eft, ubi Jus est Vogum aut Incognitum! 4 Inft. 246,332;

PHILADELPHIA:

PRINTED BY R. AITKEN & SON, IN MARKET STREET,

M.DCC.XC

DEDICATION.

TO THE FREEMEN OF THE STATE OF SOUTH-CAROLINA.

FELLOW CITIZENS.

THE operation of the same principle which led me to encounter in your army, the various vicisfitudes of fortune during the late glorious Revolution, induced me to undertake the following work.

As no man, who is acquainted with the nature of the army, can suppose that the citizen would embrace the soldier's life, through mercenary views; so neither can any one who is samiliar with the distance of our settlements from each other, of the extreme barrenness of great part of our country, and of the few inhabitants lesiding in Carolina, in proportion to the extent of its territory, justly suppose that a book intended merely for the service of the inhabitants of this State, could command such a sale, as to render it an object of sucrative advantage to the compiler. In older and fully peopled countries, there are seldom less than three thousand copies of a book struck off; in the present instance, there is but one sixth of that number; so that the trifling profit upon each volume, can be no recompence for the time and labour bestowed upon the work.

The compensation that I flattered myself I should receive, was of a more laudable nature, and more beneficial to myself: I mean that the citizen of South-Carolina, should no longer be degraded into the condition of a slave, by a total ignorance of what was the law of his country, but that he might be enabled to acquire at a moderate price, and in a comprehensive view, the statutes by which his conduct was to be regulated: an object which had hitherto been unattainable, whilst wrapped up in the profound confusion, and Sibylline obscurity to which they have been doomed for this last half century.

The other gratification which was agreeable to my feelings, was that of rendering myfelf mafter of the Statute Law of my country, thereby becoming more adequate to the duties of the office, with which you have been pleafed honorably to entrust me.

It is in vain to declare to you the labour I have undergone, the repeated fatigue I have supported in the toilsome execution of this work, and the frequent fits of sickness, occasioned by an unremitting industry, which tended to baffle and actually did delay the completion of my design, if I have accomplished a work which shall prove acceptable and serviceable to you, I shall deem myself fully repaid.

Withing that you may hereafter as successfully excel the nations of the old world, in the arts of peace as you have already proved yourselves their superior in arms.

I am, my Friends and Countrymen,
with the fincerest esteem,
and most affectionate attachment,
your most obedient,

and ever devoted humble fervant.

JOHN FAUCHEREAUD GRIMKE

Beimont, Energe, South-Carolina, July 30, 1790.

121,1902

1 50 ES

PREFACE.

THE obscurity in which the laws of South-Carolina were involved, and the impossibility of obtaining a collection thereof to assist the citizen who was defrous of becoming acquainted with the legal rules prescribed for his conduct, or to facilitate the improvements of young practitioners at the bar, suggested to me the propriety of forming such a compilation. In future therefore the plea of ignorance what is the statute law of our country cannot be urged; and the student will be no longer embarralled in his readings to discover the acts of our own legislature, as well as those of the British Parliament which are now of force with us.

I have given at large all such acts parts and sections of acts of assert of a public nature; and have inserted all the British Statutes which were made of force in 1712; a very sew excepted, and which, the change of our political situation renders no longer of any force or efficacy. Their titles however are mentioned.

It was my intention to have completed this work laft year, but the bad flate of health with which I was afflicted during the whole of the past funner incapacitated me from proceeding in my plan: shiding therefore that I could not perfect my proceeding in my plan: shiding therefore that I could not perfect my proceeding in my plan: shiding therefore that I could not perfect my proceeding in my plan: shiding therefore the table that the past of the shiding and beneficial as was my intention at first, and to make such additions to the volume as might prove as full. I dompiled therefore several other British statutes (in an appendix Nº.1) which are declared to be of force by some act of Alsembly, either expressly or virtually; also such as have been determined in the courts of law to have an operation here, and like statute shid show may by parity of reason, implication, or construction the uniform practice of our courts be deemed and adjudged to be of force. I have excluded none that I thought could be extented to our country under the above mentioned rule sat presumed that it were better there should be half a dozen suprement. Bester there should be half a suprement. Bester the suprement suprement suprements of south suprements of south suprements of suprements of south suprements of south suprements of suprements of suprements suprements of suprements suprements of suprements su

I cannot cenclude without returning my Sincerest Thanks to the Gentlemen who have honored me with their names as Sulteribers, and who have flewn by the ardor with which my papers were circulated and figured throughout the Country, how heartily they approved of the defign of this work: And I have finally to request that this Compilation may be favored with a liberal and indulgent reception from the public; the more folias a Series of Sickness has too frequently broke in for months upon the pursuit of my defign, and as the motive of my uncertaking it, is founded on the purest and most disinterested principle.

* The full two passed in 1092.

[PETITION AND REMONSTRANCE OF JOSEPH BUFFINGTON TO THE PROVINCIAL CONGRESS.]

South Carolina

To the Honourable W^m: Henry Drayton Esquire, and the rest of the Gentlemen Members, of the South Carolina Provincial Congress, now in Charles-Town Assembled,

The Petition and Remonstrance of Joseph Buffington (Iron Master) and now A resident of Said Province—
Sheweth,

That Your Petitionor who is lately removed from the province of North Carolina where he had resided, for many Years and carried on with great Success in the business of Makeing of Car Iron in all its branches, from an Ore, as may appear from many Certificats under the hands of Several Gentlemen of Charrector residing in that province

That on Your Petitionors Arrival in this Government, upon a strict and Deligent Serch for Iron Ore he fortunately discovered a large body not Inferior to any hitherto discovered in the Northern Colonies, being on a water Course, well known in this province by the name of Lawsons fork a branch of Broad River, where it appear's to your Petitionor that Nature had designed and laid it out, to Every Advantage necessary for Carrying on So valuable and and Necessary branch of business and perticularly in so remote a part of this province, being About Two Hundred and Thirty Miles distantt from Charles Town,

That after Your Petitionor had made repeated Essays or Trials of the Ore and finding it to be very good and Equal in fineness to any he had heretofore wrought to the Northward, he was Induced and Incouraged by the whole of the Inhabitants in that part of the Country to proceed to Errect A Bloomery, with great success untill the work was above half Compleated in such a workmanlike manner as to meet with the General Approbation of those, well skill'd and avers'd by long Experience and knowledge in Iron works in other provinces, but your petitionor's not being at present in Such Easy Circumstance for want of Ready money to Enable him to Carryhis Laudible Design farther into Execution without assistance, he Greatly Dispairs of being able to Compleat his undertakeing, the

sequence of which will tend to the Ruin of himself and himself, and an Injury to the province in General

Your Petitioner therefore Relying on the wisdom and Goodness of this Congress, wishes, and hopes that upon their Serious Reflection of the Benifit and utility which may hereafter accrue to this province in General by giving proper encouragement to works of this nature, he hopes; and will Engage that the Bloomery which he has hitherto Carried on by his own labour and Industery will be Compleatly finished within Two Years to the Satisfaction of the Congress and the Province in General; And in Order to Secure to the public Such Monies as may be thought Necessary or Sufficient to finish the said undertakeing, your Petitionor proposes, that if the Congress will be pleased to appoint Colonel John Thomas Together with any one or more Gentlemen, to Take a Bond from your Petitionor with personal Security, to Reimburt the like Sum with Interest (if required) to such person or person as shall be appointed to receive the same on behalf of the public in some reasonable time, after the works are finished, and further, he preposes That after the works are compleated; The Congress on Behalf of the public shall be Intitled to one moiety or half part of all Iron &ca. as shall be hereafter made at these works and for the better and more Effectual Security of this his promise and undertakeings he proposes to make over the whole of the land wherein the ore, is and the works are to be Erected in Such a manner as shall or may be thought more Elegeble by this Congress— . Joseph Buffington

Charles Town Feby 17th 1776

Endorsed: The Petition & Remonstrance of Joseph Buffington¹

[2]
[PROVISION RETURN OF CAPT. CHESNUT'S COMPANY.]
Provision Return for Capt Chesnuts Company the 28th. & 29th Octor.
1779.

Officers Serg ^{ts}	 ı .
Privates	43
	46 Totall

Capt. Whitakers Compy-8-

William Boykin

[3]

[CHARLES KING CHITTY'S MEMORIAL TO THE PROVINCIAL CONGRESS.]

To The Delegates of the Colony of South Carolina met in Provincial Congress.

The Memorial of Charles King Chitty

Humbly sheweth/

That your Memorialist has been for several Months employed in the public Service, which prevented him from collecting his Debts; and the Want of Courts of Law has deprived him of Power to use coercive Measures for that Purpose—That in Consequence thereof he became indebted a considerable Sum to his Landlord for House Rent; That his Property has been seized for the same to the Amount of above five Hundred pounds and sold for less than half the Value. That your Memorialist thinks this a great Grievance, and humbly hopes for Redress from the Congress, and that they would condescend to point out some Method to recover his Right.—Should the Congress be so kind as to instruct him in what Manner to proceed, he will consider himself as under the greatest obligations to them; and they may be assured that he will exert himself for the Good of his Country in these unhappy Times, as far as his Skill and Industry shall enable him—

Charles Town 12th. Feby. 1776— Endorsed: Mr- Chitteys Memorial

Read in Congress
12 Feb 1776.
Referred to Come.
Capt. Leger
Mr. Bouquet
Mr. R. W. Powell

²The following names, in the handwriting of William Henry Drayton, are written below this endorsement: Col. Powell, Col. Thomas, Mr. Kershaw, Major Henderson, Dr. Farrar, Col. Richardson, Mr.— Prince, Mr.—Tennent.

[5]

[A LIST OF SOLDIER CLAIMANTS.]

A List of Claims against the Public of South Carolina deliverd to the Treasurers by Capt William Alexander January the 21st. 1788 for which Indents are to be issued the said Claims being duly certified—

John Williams	23. 13. 10.	Alexander Kennedy £20.1/3. £24.17/2	44	18. 5
David Johnson	23. 19. 10	David Alexander	23.	7. 6.
George Alexander		John Mitchell		
Moses Ferguson		William Alexander 2 Certis	57.	,, 4
Robert Barnet		William McDaniel	25	7. 4
Samuel Crawford		James Clark	28	18. 10.
John Edmaston		Joseph Clark	24.	19 6.
William Baker.	ا ماما ا	Samuel Hogshead		
William Elliott	1 00 100	William Alexander		
Moses Meek	1 - 1 - 1 - 1	Thomas Hunter		
William Caruthers	1 1 1 - 1	George Crawford		
Samuel Alexander	11-1-1	Hugh King		
John Shields	1 77 1 1 1 1	John Robertson		
John Gardner	11	Evan Shelby		
Samuel McClery	22 9, 10	William Hemphill		
Samuel Linton	32 17 -	Peter Burns		
Thomas Johnson	22 15 6.			
Inomas Johnson	1 22 120 1 01		1 1	ı

Gentlemen

Please to deliver Capt William Alexander Indents for the above Accounts of Claims the same being duly certified also all the Interest now due or which may become due thereon-

Charleston-January 23, 1788.

I am, Gentⁿ,, as well in the Behalf of the above Persons and Col: Richard Richardson a joint Commissioner

Your most humble Servant, Thos. Sumter.

Peter Bocquet & John Edwards Esquires Comm'rs of the Treasury Endorsed: Sumters Brigade

Special Bounty & arrears of Cloathing. P Certs. & Order, dld Capt. Wm. AlexanderTA LIST OF SOLDIERS WHO RECEIVED PAT FOR CLOTHING

A LIST OF SOLDIERS WHO RECEIVED PAT FOR CLOT	HING.]	
Names for Cloathing—not in Sumter's List— Simon Allbright	23. 26. 17.	7. . 6. 5.	6 .6 4 5
Richard Bordin	4.	19.	8
John Bostick for sundry Persons viz	•		
Richard Beardin			
William Bordin			
Robert Barnett			
Peter Burns—for Sundry Persons			
Alexander Brown			•
Samuel Brown			
Henry Bryant			
Alexander Brown			
Talan Chilannat			ı
John Chitwood William Caldwell			
George Cardock			
William Curweethus			
Samuel Crawford			
Joseph Clark			
Corns. Dysart			
Joseph Clark			
F			
Michael Freeman			
G .		•	
William Graham			
John Gardner			•
John Gill .			
Joseph Gilbraith		7	
John Gray	į	1	•
Gideon Griffen			
Н			
Wm: Hemhill, John Heran for Sy: Persons			
Drury Harris—John Heran Do-	-	•	

Sam1. Hunter-

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8
      irry Jeffers
Shadrich Knowland
Joseph Kenn
Alexander Kennedy
Hugh King
  do-for Sundry Persons
        L
Samuel Lancaster
        M
David Miller
John Michael
Samuel McCleary
William McDanell
Robert McClure
David Morrow
John Mills
Isaac Mc.Iadden
Samuel Martin
John Pherson
        R
John Robinson
        S
Nathan Smith
John Sadler
Capt. William Smith
Adam Hays
Evan Shelby
Thomas Shields
William Shields
       \mathcal{M}
Este: James Walker
        Z
William Zeigler-
The foregoing are the names of sundry Persons who have received
pay for Cloathing-who are not included in Sumters List-
amounts, to £
Endorsed: rough List of
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Endorsed: rough List of
Sundry Persons who have received
Indents for Cloathing—but who are not
mentioned in Gen!. Sumters List.

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Preface

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Abbreviations

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(Board of Trade Proprietors)

(Board of Trade Journals)

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(Mantations General)

(America Mest Indies)

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1663-1666

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-bol. Entry Bk. Vol 20. pp.80-83 B.P. R.O. Landgraves. 1. John Locke Hapril/1671. By ye nominacon of ye low Phop 2 Skjohn yearnans 5 april 1671. By genomination ofgelde Prop 3. James barteret 10 Oct. 1670 By ye nomination of Sig barteret 4. James bolleton By ye nomination of sig Pholleton 5. Edmund andros 23 apr. 1672 By ye nomination of the Earlof Exe 6. Joseph West 24 apr. 1674. By the nomination of the Lds Brs 7. Thomas Colleton et Petre broz 28 may 81. By nominacon of ye L 8. Joseph Morton July 18. 1681. By nomination of ye D. of albemarle on condition yt if he goes no to barolina himself in a yr from ye dal hereof to return it. I bondition fulfilled David axtell augt 10th 1681. by nomination of Jue air -dale Esq. 10. Iz Richt Kirle June the 9. 1684 by nomination of ye groprietors. Jne Price Esq. aprill ye 30t 1686 by nominacon of yet de Brops Caesiques

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A. S. Salley, Jr.,

Secretary of the Historical Commission of South Carolina

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Preface

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In 1895 these records were procured for the Historical Commission of the State of South Carolina (as the department was then entitled) by the late W. Noel Sainsbury, of London, and are here reproduced in fac-simile from the transcripts made by Mr. Sainsbury and his assistants.

Teb. 26,1931

B. P. R. O. Col Entry Book Vol 21

40

10 Jan 4 1684

Honord St

Mee thought fit to acquaint you that yesterday some mor of the nation of the Yamaoce's arrived at S! Helena to settle with those of their ration formerly settled there having come from at S! Augustine brought the here within closed Sites from the Governo! of S! Augustine directed as wee suppose to yo! Hono! it was given by them to M! Nalel Heestbrooke at their Landing who immediately heasted to us and thereupon wee ordered this Express to you with it S! It being much own concern lying upon the frontiers to know the Spaniards actings motions and intentions wee earniestly intreat that yo! Hono! may doe us the favour of letting us know the contents of the Site by sending us a double of it for wee suppose it concerns the publique affaire and and likewise to know what resolution yow take thereupon

Mee are

Si

Hamilton Montgomerie Yor humble Serves Cardrosse Still sunlop

1685-1690

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Preface

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Vol.3

B. P. R. O. Col: Entry Book of 22 6 141.

Att a meeting of the Lords Propriet sof barolina the Seaventeenth of November one thousand Six hundred & Ninely

Trescut

the Earle of braven Lord Ashley Sr. Peter bolleton

John Archdale Cog!

Ordred That the Baronies of the Nobility in Carolina be granted at Twenty pounds of annum on Each Barony That the Whale fishing be left free to all The Inhabit and of Carolina for twenty years They payeing a lenth part of the Cyle bone or Spermacety of Each Whale taken, to the Lords Profinctors

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with
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Preface

In 1895 these records were procured for the Historical Commission of the State of South Carolina (as the department was then entitled) by the late W. Noel Sainsbury, of London, and are here reproduced in facsimile from the transcripts made by Mr. Sainsbury and his assistants.

BiP. P. O. B. of J. Carolina Propriety) vol 4 p. 42.

John Earle of Bathe Palatine anthony Lord askley
W= Lord braven George Lord Carteret, Sr. John
-bolleton Barrt Tho any & Joseph Blake Copps the
true & absolute Lords & Proptors of ye Province of
-barolina.

To nicholas Trott Esq.

Wee being well assurd of je bare Prudence ability of you ge said nicht Trott have made Constituted authorized + apointed and by these Presents Doe make Constitutes authorize and apoint you the se nich Frost to be during -Our Pleasure) attorney Generall of that Part of Our Province of Carolina that lyes South & West of Cape Feare therein to act, plead, Implead, Sue and prosecute all revery person & persons whatsoever for all Rebts, Fines, amer craments, forfeitures, Escheats, Claimes & Demands what soever which now is may or shall be Due & in arrearie to us upon any acce whatsoever whither Pents Revenues or otherwise howsoever and to prosecute all matters brummall as well as bivil Giving & hereby Granting. eento you full Power & authority in ye Premises thereing to Deale doe, Execute and Performe in as large & ample maner to all Intents a purposes as to ye said Office of attorner

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Preface

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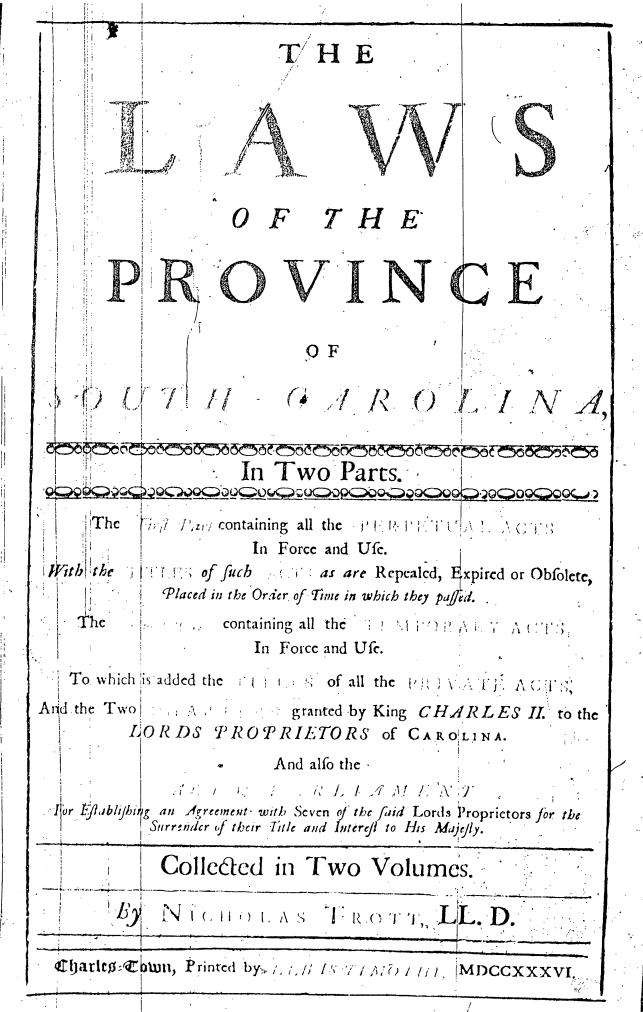
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SOUTH-CAROLINA,



THE

I. A. W. S

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PROVINCE

OF

SOUTH-CAROLINA,

Vol. I.

Containing all the ACTS passed from the first Settlement of the Province, till the time that the Lords Proprietors surrendered their Title and Interest in the said Province to His Majesty.





PREFACE.

The Province of SOUTH-CAROLINA, it was designed only for my own Use, and I had then no Thoughts of publishing the same. But afterwards being desired; and encouraged by his present Excellency ROBERT JOHNSON Esq, Governor; and the Honourable the Council and Assembly of the Province, I undertook to make this Collection of the LAWS to be published for general Use, and accordingly I have now made the sollowing Edition of them.

As to the William and Defign of the Work, the the same may be understood as it. Into Page, and is so plain and easy, that I suppose it meds little Explication; however I think it will be necessary, by way of Presace, to say something of it.

Immediately after this Prcface, I have added an Hilforical Introduction; wherein, after having mentioned the two Charters granted from the Grown to the Lords Proprietors, which are afterwards exemplified at large, I have given an Account of the feveral Fundamental Conflictions agreed upon by the then Lords Proprietors, as a Scheme or Model of Government, and defigned to be passed into a fundamental unalterable Law, but was never done.

Then follows the Succession of the Governours from Coll. Wir-

LIAM SALE the first Governour, to the present Governour, whose Laws are contained in this Collection: with an Account of the several Powers, Instructions, Resolves or Temporary Laws, given to some of the first Governours by the Lords Proprietors, before the Province was so far settled as to form an Assembly for the more regular Passing of Laws.

AND the Laws, so passed by the Assembly, being placed in this Edition, in Order of Time, do show the Succession of the Governours, in whose time any Laws were so passed: Yet there being no Laws passed in the Time of some of the first Governours, and in some other Governours time, if any Laws were passed they were soft, and some Governours coming between them that did pass Laws, the said Historical Introduction clears the Succession of the Governours, to the time of Jöseph Morton Eig; the second time of his being Governor. And the Laws then passed by him are in the following Collection from Numb. 26. to Numb. 30. inclusive.

And the Succession of the Governors, from his time to the end of the Time of passing the Laws contained in this Volume may be seen in the following Collection of the Laws.

After the said Introduction solloweth the Two Charters, granted by the late King CHARLES the Second to the Lords Proprietors, exemplified at large, but divided into Paragraphs or Sections, and the Substance of the Charters given in the outward Margin, for the more easy sinding out any thing to be sought for in the same.

After the Exemplification of the two Charters, follows the Collection of the Laws: In which I have followed that known Diffinction, that was always observed in this Province, in placing the Perpetual Laws distinct from the Temporary; so that the Collection is divided into Two Parts: The First containing all the Perpetual Acts in Force and Use, exemplified at large, with the Titles of the Acts that are Repealed, Expired or Obsolete: And the Second Part containing the Temporary Laws now in Force and Use.

And in publishing both the Perpetual and Temporary Acts, I have placed them in the Order of Time in which they passed, during the Government of each Governor, beginning with the most ancient Laws

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that I could find, which are those passed in the Government of Joseph West Esq, the second Time of his being Governor.

After the Title Page to the First Part, containing the Perpetual Acts, followeth a TABLE, containing the Titles at large of all the said Perpetual Acts in Force and Use; and in the outward Margin under the Number of each Act, the Substance of the Title or Act is given in short, to save the Trouble of reading the Title at large upon Search for any Act. And that short Marginal Note, giving the subject Matter of the Act, is put at the Top of the Page of each Act under the general Title of the Laws of South-Carolina &c. which is placed at the Top of every Page.

And the like Table of the Titles is placed after the Title to the Second Part, and before the Collection of the Temporary Laws.

To the Laws at large I have added a distinct Title Page before the Laws passed by each Governor, as: Acts passed by the General Assembly of South-Carolina, during the Government of the Honourable Joseph West Esq; And so of the rest of the Governors.

The Acts that are in Force and Use, are exemplified at large: But them Acts that are either Repealed, Expired or Obsolete, I have given only the Titles of them: But in some Acts, where only one or some sew Paragraphs of the Act are in Use, there I have published that Paragraph or Paragraphs at large, and have made Notes on the other Sections or Paragraphs of the same Act, signifying their being either Repealed, Expired or Obsolete.

In the Second Part, containing the Temporary Acts, I have only published them that are now in Force and Use for those that are either Repealed, Expited or Obsoleve, and therenpon quite done with, and so the Titles only published, to proserve the Memory of what Acts had been passed. I have placed those Titles in the Yiste Part, containing the Collection of the Perpetual Nets: But under the Eroles of those Acts that were at sirst Temporary, I brow added the Number of Tears each Act was to continue, and how each Act had been surther Continued, and at tast was Expired or Repealed.

To every A& published at large, I have in the outward Margin given the Substance of the A&, that so the Reader may readily find any thing that he looks for.

And where any Alt bath been altered or explained by any subsequent Act or Acts; in the inner Margin I have not only noted the Act that makes such Alteration or Explication, but have also added the Substance of such Alteration or Explication, to save the Reader the Trouble of compairing the Acts referred to; tho I have always added at the End of the Note the Number of the Act or Paragraph that proves the same, that so the Reader may have Recourse to the same if he pleaseth, for greater Certainty.

The Acts are all numbered, and also the Paragraphs of each Act, and the Reserences are made not only to the Number of the Act, but also to the Paragraph or Section, that so the Reserences may be easily found, without the Trouble of consulting the whole Act, which in many Places is long.

And because the Reserences are made to the Number of the Act, and not to the Page, therefore I have added the Number of the Act at the Top of every Page under the Number of the Page, sor the easier sinding the same.

In the Continuing, Reviving or Repealing Acts, I have only added the Number of the Acts that are therein Continued, Revived or Repealed, and not the Titles of the Acts at large, as they are in the Act.

When the Reserences are made to the Numbers of the Acts, if in the First Part containing the Perpetual Acts, the Number of the Acts referred to is in the Perpetual Acts; and if in the Second Part, containing the Temporary Acts, there the Act referred to is in the Temporary Acts. But if in the Perpetual Acts a Reference is made to any of the Temporary Acts, then before the Number of the Act is put the Letters T. A. i.e. Temporary Acts; and if in the Temporary Acts a Reference is made to any of the Perpetual Acts, then before the Number of the Acts is generally put the Letters P.A. i.e. Perpetual Acts.

At the kind of the First Part, containing the Perpetual Acts, as also of the Temporary Acts, is added an Alphabetical Table of the principal Matters contained in the Acts, and also in some parts of the Alphabetical Table to the Perpetual Acts, as in the Letter B, under the Word Bridges, are added the Names of the several Bridges, placed Alphabetically; in the Letter C, under the Word Creek, are added the Names of the several Creeks mentioned in the Acts, placed alphabetically; and in the Letter R, under the Word Road, are added alphabetically the Names of the several Roads mentioned in any of the Acts.

After both Parts of the Laws, the Perpetual and the Temporary Acts, and the particular Tables to the same, I have added a General Table of all the Perpetual Acts in Force and Use, and the Acts that are either Repealed, Expired or Obsolete; as also of all the Temporary Acts aigested under proper Titles, which containeth Ninety nine Titles, and under each Title is added the Number of the Act digested under that Title, and an Asterisk is set over the Number of any Act that is not of Force, being either Repealed, Expired or Obsolete, to which I have added the Number of all the Acts Perpetual and Temporary, with the Number of the Titles under which they are digested in the soregoing Table, together with an alphabetical Table of all the soregoing Titles under which the Acts are digested.

And at the End of the whole Work I have added the Titles of all the private Acts, placed in the Order of Time in which they were fassed, and an alphabetical Table of the Names of the Persons mentioned in the Titles of the private Acts, for the more easy finding any Act desired.

Thus I have endeavoured as much as in me lies, and have spared for no Pains, to make this Work not only useful, but plain and easy, even to the meanest Capacity, wherein it I have obtained my Ind, I shall not think my Labour ill bestowed: For as every Man is a Debtor to his Country, and we are not born only for our selves, so I that I could not do a more useful Service for the Province in which it has sleased God to cast my Lot for several Tears past, than to make such

The Preface.

an Edition of the Laws, as might be of general Use to all the Inhabitants thereof; that so every one being acquainted with the Laws of the Place, may readily give Obedience to the same; in which (next to their religious Duties to GOD) not only their Duty, but also their Safety and Happiness doth consist.





INTERODUCTION.

Gibbons in the Second, by Theorem I will be at Historial the Country of the Holes of House, in the Fifteenth Year of the Second is the Holes of the Second in the Second in the Second is the Holes of the Second is the Holes of the Second of the Holes of the Holes, which is the Millian Lord Albertarle, William I one Conserve the analytical second the Holes, whithout Lord Albert Sir George Character than and Back of Large Territory or Track of Ground in America, he and it within the Second Degrees of Northern Latitude, and Mathan Second is the Second as in the faid Charter (1) is

In the land of the Majerty weekel into a Province, by the Name of the Province of Calcalus, and they the faid Edward. Earl of Clarendon, George Onke of Albertarie, William Level Craven, John Lord Berkley, Anthony Level Albert were made (i) and conflicted the frue and absolute Lands and Proprietors of the faid Province; faving the Faith, Allegative and Cover in Dominion, due to the King, his Heirs and Succellons. And moralingly by the faid Charter the faid Lords Proprietors are medical with all the Royalties, Jurisdictions, Privileges, Power, and Authorities necessary for the Government of the faid Province.

The firlt Charter.

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The fecond Char-

AND his faid Majesty King CHARLES the Second, by a fecond Charter bearing Date at Westminster June 30th, in the Seventeenth Year of his Reigh, Anno Domini 1665. did Confirm unto the faid Lords Proprietors the above mentioned Grant of the Province of Carolina, and did enlarge the Bounds thereof, as the same is particularly set forth in the said Charter, (d) and did unite the Lands (e) so added unto the faid Province of Carolina, and did Confirm and Renew unto the faid Lords Proprietors, as in the first Charter, all the Royaltics, Jurisdictions, Privileges, Powers and Authorities necessary for the Government of the faid Province, with (f) all and fingular the like, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities and Franchises, of what kind soever, within the Territory or Limits aforesaid of the said Province of Carolina; TO HAVE, Hold, use, exercise and enjoy the same, as amply, sully, and in as ample a manner, as any Bishop of Durham in the Kingdom of England ever heretofore had, held, used or enjoyed, or of Right ought or could have, use, or enjoy.

The faid two Charters are exemplified and placed immediately after this Introduction.

His faid Majesty King CHARLES the Second having by his faid Royal Charter granted unto the faid Lords Proprietors the faid Province of Carolina, the faid Lords Proprietors did agree upon Fundamental Constitutions, for the better Government of the faid Province, contained in Eighty-one Articles, bearing Date July 21, 1669. and figured,

Albemarle, (L. S.)

Graven, (E. S.)

Berkley (L. S.)

Albley, (J. S.)

G. Carteret, (L. S.)

P. Colleton, (L. S.)

The Preamble to the faid Conflitutions is as followeth:

Our Sovereign Lord the King having out of his Royal Grace and Bounty, granted unto us George Doke of Albemaile, Captain General of all his Manefly's Forces, Edward Earl of Clarendon, William

 $\begin{pmatrix} (d) & 2 \\ (e) & 4 \end{pmatrix}$

(f) See the first Charter ¶ 4. So the second Charter ¶ 3.

William Earl of Crayen, John Lord Berkley, Anthony Lord Ashley Chancellar of the Exchequer, Sir George Carteret Vice-Chamberlain of his Majesty's Housbold, Sir Peter Colleton Baronet, and Sir William Berkley Knt. the Province of Carolina, with all the Royalties, Properties, Jurisdictions and Privileges of a County Palatine. as large and ample as the County Palatine of Durham, for the better Settlement of the Government of the said Place, and establishing the Interest of the) Proprietors with Equality and without Confusion, and that the Government of this Province may be made most agreable unto the Monarchy under which we live, and of which this Province is a Part, and that we may avoid the Erecting a numerous Democracy: We George Duke of Albemarle, Edward Earl of Clarendon, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir Peter Colleton, and Sir William Berkley, the true and absolute Lords and Proprietors of the Province aforesaid, have agreed to this following Form of Government, to be perpetually established amongst us, unto which we do oblige our selves and our Heirs in the most binding way that can be devised.

In a few Months afterwards the said Lords Proprietors agreed upon the second Fundamental Constitutions of CAROLINA, contained in One hundred and Twenty Articles, and bearing Date the sirst. Day of March 1669-70. And signed and sealed:

The Second Fundamental Conftitutions.

Albemarle.
Cornbury.
Craven.
Jo: Berkley.
Afbley.
G: Carteret.
P: Colleton.

The Third Fundamental Constitutions of CAROLINA, containing One bundred and Twenty Articles, Dated the Twelfth Day of January, 1681-2. And were signed and scaled:

The third Fundamental Constitutions.

Craven, Palatinc.

Albemarle.

Shaftesbury.

Bath for the

Lord Carteret.

Ø

Seth Sothell.

P: Colleton.

John Archdale.

for

Thomas Archdale.

The Fourth Fundamental Constitutions of CAROLINA contained One Hundred Twenty-one Articles. But my Copy of the said Fourth Constitutions being impersect, I can neither give the Date of the said Constitutions, nor the Names of the Persons that signed the same.

The Fifth and last Fundamental Constitutions of CAROLINA confishing of Forty-one Articles, bearing Date the Eleventh Day of April 1698. were figured and sealed:

Bath, Palatine.

A: Ashley.

Craven.

Bath for the
Lord Carteret.

Wm. Thornburgh
for Sir John Colleion.

Tho: Amy.

Wm: Thornburgh.

The Preamble to the Fifth and last Fundamental Constitutions of Carolina is as followeth:

Our late Sovereign Lord King CHARLES the Second baving out of his Royal Grace and Bounty granted to us the Province of Carolina, with all the Royalties, Proprieties, Jurisdictions and Privileges of a County Paletine, as large and ample as the County Paletine of Durham, with other great Privileges: For the better Settlement of the Government of the said Place, and Establishing the Interest of the Lords Proprietors with Equality and without Confusion, and that the Government may be most agreable to the Monarchy under which we live, and of which the Province is a Part, and that we may avoid erecting a numerous Democracy: We the Lords Proprietors of the Province as a foresaid, with the Advice and Consent of the Landgraves and Caseques and Commons in this present Parliament assembled, have agreed to this following Form of Government, to be perfectually established amongst us, unto which we do oblige our selves

selves, our Heirs and Successors in the most binding way that can be devised.

These several Fundamental Constitutions of Carolina above-mentioned, were drawn up and agreed upon by the then Lords Proprietors as a Scheme or Modell of Gavernment, with Design to be proposed to the People of Carolina, for their Consent, and so to pass into a Fundamental unalterable Law. But the People by their Representatives in Assembly never giving their Consent to any of the above mentioned Constitutions, no one of them ever obtained the Force of a Lawin South-Carolina, and therefore are not inserted here in this Collection of the Laws of the said Province. How far they may be binding to the Lords Proprietors amongst themselves, I shall not take upon me to determine.

The first Person that by the Lords Proprietors was constituted Governor of the Province of South-Carolina, was (1) Coll.Wm:Sayle the first Governor.

Coll. WILLIAM SAYLE.

A Copy of his Commission I have by me, bearing Date July 26, 1669. It is in the Name of George Duke of Albemarle, Edward Earl of Clarendon, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir Peter Colleton and Sir William Berkley, and directed To one, trusty and well-beloved Coll. William Sayle, Governour of all that Territory or Part of the Province of Carolina, that hies Southward and Westward of Cape Carteret. And to our trusty and well-beloved our Counsellors and Assistants to our said Governour.

His Commission

To this Commission there was added Instructions, consisting of four-teen Articles.

And Instructions.

The Palatine and the rest of the Lords Proprietors sent over further Instructions, which they stiled, Temporary Laws, Commissions and Instructions from the Palatine and the rest of the true and absolute Lords and Proprietors of the Province of Carolina, to the Governour and Council of Ashley River in the said Province. These Instructions consist of Nineteen Articles and the Model of the Town, and bear Date at Whitehall May 1, 1671.

Temporary Laws.

In the same Book in which is contained several Transcripts of old Records relating to CAROLINA, These follows:

Resolves of the Lords Proprietors. RESOLVES agreed on by the Lords Proprietors, that till by a sufficient Number of Inhabitants the Government of Carolina can be administred according to the Form established in the Fundamental Constitutions,

confishing of Seven Articles, but without Date.

But the Instructions that immediately follow in the same Book, are dated December 10, 1671. consisting of Four Articles.

So those Resolves being placed between those Temporary Laws or Instructions, May 1, 1671. and the Instructions dated the 10th of December following, it is very probable those Resolves were made in the same Year 1671.

Then follows Instructions from the Palatine and the rest of the true and absolute Lords and Proprietors of the Province of CAROLINA, dated June 20, 1672. consisting of Six Articles. In the Preamble to which is set forth as followeth:

Since the Paucity of Nobility and People will not permit the Fundamental Constitutions presently to be put in Practice, it is necessary, for the Supply of that Defect, that some Temporary Laws should in the mean time be made for the better ordering of Affairs, till by a sufficient Number of Inhabitants of all Degrees the Government of Carolina can be administred according to the Form established in the Fundamental Constitutions: We the Lords Proprietors of Carolina, upon due Consideration, have agreed to these following:

I. The Palatine shall name the Governour &c.

Then follows,

Agrarian Laws

*AGRARIAN LAWS or Instructions from the Lords Proprietors to the Governor and Council of CAROLINA, containing Twenty-three Articles.

The Preamble to which is as followeth:

Ince the whole Foundation of Government is settled upon a right and equal Distribution of Land, and the orderly taking of it up is of great Moment to the Wellfare of this Province: And althout the Regulation of this need not be perpetual; Tet since all the Concernment the eof will not cease as soon as the Government comes to be administred according to the Forms established in the Fundamental Constitutions, that the whol Distribution and Allotment of Land may be with all Fairness and Equality, and that the Conveniency of all Degrees may be, as much as is possible, in their due Proportion provided for, We the Lords Proprietors of Carolina have agreed on these following Temporary Agrarian Laws.

I. Before any River begin to be planted, &c.

And the last Article is as followeth:

XXIII. If the Governour and Council in Carolina shall at any time hereaster represent to the Lords Proprietors, that any of the Agrarian Laws sor taking up and setting out of Land are inconvenient, the Lords Proprietors reserve to themselves a Power of altering the same.

These Agrarian Laws or Institutions are without Date, but I suppose they might be sent with the Instructions immediately preceeding, dated June 20, 1672, and were of the same Date.

Scette first Charter, 96. and 2d Charter All these Instructions or Temporary Laws, as they term them, I suppose were made and sent during the Governments of the said Coll. William Sayle, Joseph West Esq; the first time of his being Governor, and Sir John Teamans Bart. the latest of them being dated June 20, 1672. and Sir John Teamans was proclaimed in April 1672.

Coll. William Sayle the Governor dying, he was fucceeded by

JOSEPH WEST EG

Who was chosen Governor August 28, 1671. being the first time of his being Governor.

(2) Joseph West Esq; Governor, the first time.

And

(3) Sir John Yeamans Governor.

(4) Joseph West Esq; Governor, the second time. And he was succeeded by

Sir JOHN YEAMANS Bart.

Whose Commission was dated December 26, 1671. and he was proclaimed Governor April 19, 1672.

He died in August 1674.

I cannot find any Acts of the General Assembly passed during the several Governments of the said Coll. William Sayle, Joseph West Esq; the first time of his being Governor, or Sir John Teamans.

At a Council held August 13, 1674.

Coll. JOSEPH WEST

was again chosen Governor, upon the Death of Sir John Teamans, being the second time of his being Governor, and continued Governor till September 26, 1682.

All the Acts of the General Assembly that I could find passed during the second time of Coll. West being Governor, the Titles of them are contained in this Collection from Numb. 1. to 19. and are the most ancient Acts of Assembly that I could find upon a diligent Search of the Records in the Secretary's Office, and upon Perusing some old Books and Transcripts of Laws which I have, that contain Laws more ancient than any in the Secretary's Office.

(5) Joseph Morton Governor the first time.

At a Council held September 26, 1682.

Landgrave JOSEPH MORTON

produced a Commission from my Lord Craven to be Governour, and accordingly took his Place as Governor, being the first time of his being Governor.

I do not find any Acts of the General Affembly passed in the first time of Landgrave Morton being Governor.

On September 6, 1684.

JOSEPH WEST Efg.

figned a Grant as Governor, being the third time of his being Governor.

The

(6) Joseph West Esq; the third time The Acts of Assembly I could find passed during the third time of Coll. West being Governour, are in this Collection from Numb. 20. to 25. inclusive.

He was succeeded by

Sir RICHARD KIRLE

Who in about Six Months after his Arrival and taking upon him the Government, died.

And I have been informed, by some of the ancient Inhabitants, that upon the Death of Sir Richard Kirle,

Coll. ROBERT QUARRY

was chosen Governor, but did not continue in the Government above

I cannot find any Acts passed during the short Government of Sir Richard Kirle, or Coll. Quarry.

Coll. Robert Quarry was succeeded in the Government by

JOSEPH MORTON Efg;

being the second time of his being Governor. In whose time all the Acts that I could find passed the Titles of them are contained in this Collection from Numb. 26. to 30. inclusive.

The Succession of the Governors of the Province of South-Caro-Lina, from the time of Joseph Morton Esq; being Governor the second time, to the end of the Time of passing the Asts contained in this Volume, the Reader will see in the following Collection of the Laws. viz.

The Honourable JAMES COLLETON Efq;

SETH SOTHELL Efq;

PHILIP LUDWELL Efq;

THOMAS SMITH Efq;

JOSEPH BLAKE Efq; the first time.

JOHN ARCHDALE Efq;

JOSEPH BLAKE Efq; the second time.

(7) Sir Richard Kirle Governor.

(8) Coll. Robert Quarry, Governor.

(9) Joseph Morton Governor the fecond time.

(10)

(11)

(12)

(13)

(14)

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The

	Apr 7.	
(17)	The Honourable	JAMES MOORE Efq;
(18)		Sir NATHANIEL JOHNSON Knt.
(19)		Coll. EDWARD TYNTE Efq;
(20)	and the same of th	ROBERT GIBBES Efq;
(21)		CHARLES CRAVEN Efq.;
(22)	-	ROBERT JOHNSON Esq; the first time.

In the Year 1719 in the time of the Government of the Honourable ROBERT JOHNSON Esq; aforesaid, the Generality of the Inhabitants of the Province of South-Carolina being very much distaissied with being under the Government of the Lords Proprietors, and thinking they should be better protected, if they were immediately under the Government of the King: After having had several Meetings and Consultations in order thereunto, they at last publickly disowned the Lords Proprietors Government.

And there being a Necessity at that time to Issue out Writts to call an Assembly.

Upon the first Meeting of the said Assembly they publickly declared, in the Presence of the Governour and his Council, that they would not treat with or allow of any one that acted by Commission or Authority from the Lords Proprietors, to whose Government they were resolved they would no longer submit.

They had that Respect for the then Governor Johnson, that they offered to continue him in the Government, if he would administer the same in the Name of the King, by vertue of such their electing or authorizing him so to do, without any Regard to his Commission from the Lords Proprietors, the confirmed therein by the King, purfuant to the Act of Parliament in that behalf.

But the Governor not thinking it fale or honourable to take upon him the Government by vertue of fuch an Authority, he abfolutely refuted the fame, and as far as he could opposed them in their Proceedings.

Whereupon they made an Offer of the Government to

Coll. JAMES MOORE,

(2:)

Son to the former Governor Maore, who readily accepted of the Offer, and thereupon took upon him the Government of the Province, and passed several Laws, the Titles of which are contained in this Collection from Numb. 423, to 451.

Accounts being fent home to England of this Change of Affairs in the Province of South-Carolina, that the People had flung off the Government of the Lords Proprietors, and renounced any Obedience to them or their Governor, and having appointed a Governor by their own Authority.

His late Majesty King GEORGE the 1st was pleased by Commission under the broad Seal of England, to constitute and appoint

FRANCIS NICHOLSON EG;

to be Provisional Governor of this Province, till the Matter was decided between the King and the Lords Proprietors.

Accordingly the faid Francis Nicholfon Esq; arriving in this Province the 21st Day of May 1721, he published his Commission from the King, and took upon him the Government, and passed several Laws or Atts, which are contained in the first Part of this Collection from Numb. 452, to 518. and in the second Part, containing Temporary Acts, from Numb. 1, to 8.

The faid Governor Nicholson going home to England, the Government was administred by the Honourable

AKTHUR MIDDLETON EER

as Prefident of the Council.

During the Time of his administring the Government as President he passed several Acts, which are contained in the first Part of this Collection from Numb. 519, to 542. inclusive, and in the second Part containing the Temporary Acts, from Numb. 9, to 11. inclusive.

At last in the Second Year of the Reign of his present Majesty, Seven of the Lords Proprietors of Carolina came to an Agreement, to surrender their Title and Interest in the Province of Carolina to his Majesty.

(24) Francis Nicholfon Efq; Governov.

(25) Arthur Middleton Esq. President.

The Introduction.

Which Agreement was confirmed by Act of Parliament, passed in the Second Year of his Majesty's Reign, entituled, an Act for establishing an Agreement with Seven of the Lords Proprietors of CAROLINA, for their Surrender of their Title and Interest in that Province to his Majesty.

The Copy of the said Act of Parliament is inserted in this Collection, as being proper to be known by the Inhabitants of this Province, and is placed immediately after the last of the Laws passed by Arthur Middleton Esq; Numb. 542.

Upon this above mentioned Agreement made with Seven of the Lords Proprietors to surrender their Title and Interest to his Majesty, and the same being established and confirmed by the said Act of Parliament, his Majesty was pleased to give his Royal Commission under the Broad Seal of England unto the above-mentioned.

ROBERT JOHNSON Esq;

constituting him Governor of this Province, with the usual sull and ample Powers given to the other Governors of the King's Plantations.

His Excellency Robert Johnson Esq, arriving at this Province in the Month of December 1730, He published his Commission, and took upon him the Government of this Province, and hath passed several Acts, which are contained in the First Part of this Collection from Numb. 543, to 577. inclusive, and in the Second Part, containing the Temporary Acts, from Numb. 12, to 36. inclusive.



(26) Robert Johnfon Efg. Governor, the fecond-time.

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Vol. II.

* propositions and the second contraction of the second contraction of

Containing all the ACTS passed since the Time that the Lords Proprietors of CAROLINA, surrendered all their Title and Interest in that Province to his Majesty, to the End of this second Volume.





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PARLIAMENT

Passed in the Second Year of the Reign of our Sovereign Lord George the Second,

ENTITULED,

ANACT

For Establishing an Agreement with Seven of the Lords Proprietors of CAROLINA, for the Surrender of their Title and Interest in that Province to His Majesty.



Vol. II.

Anno Secundo

Georgii II. Regis.

ANACT

For Establishing an Agreement with Seven of the Lords Proprietors of CAROLINA, for the Surrender of their Title and Interest in that Province to His Majesty.

The Second, the Second, the Second, 12 W by his Letters Patent under the Great Seal of Great Britain, bearing Date at Westminster, in the Fisteenth Year of his Reign, did Grant and Confirm unto Edward then Earl of Clarendon, George then Duke of Albemarle, William then Lord Graven, John then Lord Berkley, Anthony then Lord Ashley, Sir George Carteret, Knight and Baronet, Sir William Berkies, and Sir John Colleton, Knight and Baronet, all fince deceased, their Heirs and Assigns, all that Territory or Track of Ground situate, lying and being within his said late Majesty's Dominions in Imerica, extending from the North End of the Island called Luckar Island, which lieth in the Southern Virginia Seas, and within Six and Thirty Degrees of the Northern Latitude, and to the West as sar as the South Seas, and so Southerly as sar as the River Saint Matthias, which bordereth upon the Coast of Florida, and within One and Thirty Degrees of Northern Latitude, and fo West in a direct Line as far as the South Seas asoresaid, together with all and lingular Ports, Hurbours, Bays, Rivers, Isles and filets, belonging unto the Country aforciaid, and also all the Soil, Lands, Fields, Woods, Mountains, Farms, Lakes, Rivers, Bays and Isles, situate or being within the Bounds or Limits aforcfaid, with the Fishing of all forts of Fish, Whales and Sturgeons, and all other Royal Fishes in the Sea, Bays, Islets and Rivers,

Preamble reciting the First Patent.

within

within the Premisses, and the Fish therein taken, and moreover all Veins, Mines, Quarries, as well discovered as not discovered, of Gold, Silver, Gems and precious Stones, and all other whatfoever, whether of Stones, Metals or any other Thing whatfoever, found or to be found within the Country, Isles and Limits aforefaid, and also the Patronage and Advowfons of all Churches and Chappels, which, as Christian Religion should increase within the Country, Isles, Islets and Limits aforefaid, should happen then after to be erected, together with License and Power to build and found Churches, Chappels and Oratories, in convenient and fit Places within the faid Bounds and Limits, and to cause them to be dedicated and consecrated according to the Ecclefiaffical Laws of the Kingdom of England, together with all and fingular the like, and as ample Rights, Jurisdictions, Privile Iges, Prerogatives, Royalties, Liberties, Immunities and Franchifes of what kind foever, within the Country, Isles and Limits aforefaid, to have, use, exercise and enjoy, and in as ample Manner as any Bishop of Durham, in the Kingdom of England, ever thentofore had, held, used or enjoyed, or of Right ought or could have, use or enjoy; and his said late Majesty did thereby, for himself, his Heirs and Successions, make, create and constitute the faid Edward Earl of Chrendon, George Dake of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Afbley, Sir George Carteret, Sir William Berkley, and Sic John Colleton, their Heirs and Alligns, the true and absolute Lo.ds and Proprietors of the Country aforefaid, and of all other the Fremesies, [faving as therein is mentioned] to have, hold, possess and enjoy the said Country, Ifles, Iflets, and all and fingular other the Premisses, to them the faid Edward Earl of Clarendon, George Duke of Albemarle, William Lord Graven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their Heirs and Assigns for ever, to be holden of his said late Majesty, his Heirs and Successors, as of his Mannor of East Greenwich in the County of Kent, in free and common Soccage, and not in Capite, or by Knights Service: AND Whereas his faid late Majesty King CHARLES the Second, by other Letters Patent under the Great Seal of England, bearing Date the Thirtieth Day of June, in the Seventeenth Year of his Reign, reciting the Letters Patent herein first recited, did grant unto the faid Edward Earl of Clarendon, George Duke of Albemarle, William Lord Graven, then Earl of Graven,

Second Patent.

John Lord Berkley, Anthony Lord Affley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and Affigns, all that Province, Territory or Tract of Ground fituate, lying and being within his faid late Majesty's Dominions of America, extending North and Eastward as far as the North End of Carabtuke River or Gullet upon a strait Westerly Line to Wyonoake Creek, which lies within or about the Degrees of Thirty Six and Thirty Minutes Northern Latitude, and so West in a direct Line as far as the South Seas, and South and Westward as far as the Degrees of Twenty Nine inclusive, Northern Latitude, and so West in a direct Line as far as the South Seas, together with all and lingular Ports, Harbours, Bays, Rivers and Islets belonging unto the Province or Territory aforcfaid, and also all the Soil, Lands, Fields, Woods, Farms, Lakes, Rivers, Bays and Islets, situate or being within the Bounds or Limits last before mentioned, with the Fishing of all forts of Fish, Whales, Sturgeons, and all other Royal Fishes in the Seas, Bays, Islets and Rivers within the Premisses, and the Fish therein taken, together with the Royalty of the Sea upon the Coast within the Limits aforesaid, and all Veins, Mirles and Quarties, as well discovered as not discovered, of Gold, Silver, Gens and precions Stones, and all other what soever, be it of Stones, Metals or any other Things, found or to be found, within the Province, Territory, Islets and Limits aforefaid, and furthermore, the Patronages and Advowtons of all Churches and Chappels, which, as Christian Religion should increase within the Province, Territory, Isles and Limits aspresaid, should happen then after to be erected, together with Likenic and Power to build and found Churches, Chappels and Oratories, in convenient and fit Places within the faid Bounds and Limits, and to cause them to be dedicated and consecrated according to the Ecclefiastical Laws of the Kingdom of England, together with all and fingular the like, and as ample Rights, Jurisdictions, Priviledges, Pretogatives, Royalties, Liberties, Immunities Franchises of what kind soever, within the Territories, Isles, Isles and Limits aforefaid, to have, hold, use, exercise and enjoy the same, as amply and fully, and in as ample Manner as any Bishop of Durham, in the Kingdom of England, ever thentofore had, held, used on enjoyed, or of Right ought or could have, use or enjoy; and his faid late Majesty did thereby, for himself, his Heirs and Successors, make, create, constitute and appoint them the faid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of

The present Proprietors. Craven, John Lord Berkley, Anthony Lord Afbley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and Assigns, the true and absolute Lords and Proprietors of the faid Province or Territory, and of all other the Premisses, [faving as therein is mentioned] to have, hold, possess and enjoy the said Province, Territory, Islets, and all and fingular other the Premisses, to them the faid Edward Earl of Clarendon, George Duke of Albemarles William Earl of Craven, John Lord Berkley, Anthony Lord Afbley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and Affigns for ever, to be holden of his said Majesty, his Heirs and Successors, as of his Mannor of East Greenwich asorefaid, in free and common Soccage, and not in Capite, or by Knights Service, as in and by the faid feveral recited Letters Patent, Relation being thereunto had, may appear: AND Whereas the Part, Share, Interest and Estate of the faid Edward late Earl of Clarendon, of and in the Provinces, Territories, Illets, Hereditaments and Premiffes in and by the faid feveral recited Letters Patents Granted and Comprifed, is now come unto and vested in the Honourable James Bertie, of the Parish of Saint John the Evangelist, in the Liberty of Westminster, in the County of Middlesex, Esquire, in his own Right; and the Part, Share, Interest and Estate of the faid George late Duke of Albemarle, of and in the fame Premisses, is come unto and vested in the most Noble Henry now Duke of Beauford, and in the faid James Bertie and the Honourable Dodington Greville of Bulford, in the County of Wilts, Esquire, the two furviving Devifees named in the Will of the most Noble Henry late Duke of Beaufurd, in Trust for the present Duke of Beauford, and for the Right Honourable Charles Noell Somerfet, his Brother, an Infant; and the Part, Share, Interest and Estate of the faid William late Earl of Craven, of and in the fame Premisses, is come unto and vefted in the Right Honourable William now Lord Craven; and the Part, Share, Interest and Estate of the said John late Lord Berkley, of and in the same Premisses, is now come unto and vefted in Joseph Rlake, of the Province of South-Carolina in America, Esquire; and the Part, Share, Interest and Estate of the faid Authory late Lord Afbley, of and in the same Premisses, is now come unto and vested in Archibald Hutcheson of the Middle Temple, London, Efquire, [in Trust for John Cotton of the Middle Temple, London, Esquire, | and the Part, Share, Interest and Estate

of the said late Sir John Colleton, of and in the said Premisses, is how come unto and vested in Sir John Colleton, of Exmouth, in the County of Devon, Baroner; and the Part, Share, Interest and Estate of the said late Sir William Berkley, of and in the same Premisses, is now come unto and vested in the Honourable Henry Bertie, of Dorton, in the County of Bucks, Esquire, or in Mary Danson, of the Parish of Saint Andrews Holbourn, in the County of Middlesex, Widow, or in Elizabeth Moor of London, Widow, some or one of them; and the faid Henry now Duke of Beauford, and the faid James Bertie and Dodington Greville, as Trustees in manner aforefail, some or one of them, is or are seized in Fee or and in one full und vided eighth Part [the whole into eight equal Parts to be divided of the Premisses, in and by the said recited Letters Patents granted and comprized; and the same James Bertic, in his own Right, is how scized in Fee, or of some other Estate of Inheritance, of and in one other full undivided eighth Part; and each of them the faid William Lord Craven, Joseph Blake, Archivald Hutcheson, as Trustee for the said John Cotton, Sir John Colleton, and the said Henry Bertie, Mary Danson and Elizabeth Moor, some or one of them, is or are respectively seized in Fee, or of some other Estate of Inheritance, of and in one other full undivided right b Part of and in the faid Provinces, Territories, Islands, Hereditaments and Prenuffes, the Remaining eighth Part or Share of and in the faid Provinces, Territories and Premisses, which formerly belonging to the faid Sir George Carteret, being now vested in the Right Honograble John Lord Carteret, Baron of Hawes, his Majesty's Lieutenant General, and General Governour of the Kingdom of Ireland AND Whereas by a Judgment or Order of the House of Lords, made the Twenty Seventh Day of March last path, upon the Appeal of the said Mary Danson, Widow of John Danson Esquire, deceased, from a Decree of the High Court of Chancery, made the Seventh Day of November, One Thousand Seven Hundred and Twenty One, and from a subsequent Order of the Fistednth Day of January, One Thousand Seven Hundred and Twenty Three, it was ordered and adjudged, That the faid Decree and subsequent Order, complained of in the said Appeal, should be reversed; and it being offered, on the part of the Appellant, to pay the Respondent the said Henry Bertie, the Money that he paid for the Purchase of the Proprietorship, in question in the said Cause,

together with Interest for the same, it was thereby surther ordered, that the Court of Chancery should direct and cause an Enquiry to be made, what was the principal Sum of such purchase Money,

Grants mide by the Proprietors.

and from the Time of Payment thereof to compute Interest for the same; and on the Appellant's Payment of what shall be found due for fuch Principal Money and Interest to the said Henry Bertie, it was further ordered and adjudged, That he shall convey the said Proprietorship to her, and her Heis, and also that the Respondent Elizabeth Moor, should likewise by proper Conveyances, at the Charges of the Appellant, convey all her Right to the faid Proprietorship to the Appellant, and her Heirs: AND Whereas since the Making the faid feveral recited Letters Patents, the Lords Proprietors of the Provinces and Territories aforefaid, for the Time being, have made divers Grants and Conveyances, under their common Seal, of several Offices, and also of divers Parcels of Land, situate within the faid Provinces and Territories, to feveral Persons, under certain Quit-Rents, or other Rents thereby respectively reserved, and subject to several Conditions, Limitations or Agreements, for avoiding or determining the Estates of the Grantees therein mentioned, some of which may have become forfeited, and have also made divers Grants of several Baronies and large Trads of Land, lying within the faid Provinces or Territories, unto and for the Use and Benefit of feveral of the Lords Proprietors, or these under whom they claim, to be held and enjoyed by them and their Heiss in severalty, Eight of which Baronics to granted as aforefaid, do now comain vested in the said Henry now Duke of Beauford, or in the fame James Bertie and Dodington Greville, as Trustees for the Purposes aforesaid, or in some or one of them; Eight other of the said Baronies in the said William Lord Craven; Six other Baronies in the present Sir John Colleton; Six other Baronies in the said Archilald Hutcheson, (as Trustee for the said John Cotton) and Six other Baronies in the said Joseph Blake, each of the said Baronies containing, or being mentioned or intended to contain Twelve Thousand Acres of Land or thereabouts, except one of the faid Baronies now vefted in the faid William Lord Craven, which contains, or is mentioned to contain Eleven Thousand Acres of Land, or thereabouts: AND Whereas the faid Henry now Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Sir John Colleton, and Archibald Ilutcheson, (who is Trustee for the said John Cotton as aforefaid)

Proposals of Sur-

aforefaid) being Six of the present Lords Proprietors of the Province and Territory aforesaid, have by their humble Petition to his Majesty n Council, offered and proposed to Surrender to his Majesty their faid respective Shards and Interests, not only of and in the said Government, Royalties and Franchifes, in and by the faid recited Letters Pattents granted, but also all the Right and Property they have in and to the Soil in the aforefaid Provinces or Territories, under the faid several recited Letters Patents, or either of them; and also did further propose to make an entire Surrender to his Majesty of their Right to all the Lands which they hold under the faid Grants made by the faild Lords Proprietors, as aforefaid, (except only one Barony belonging to the present Sir John Colleton, which hath been settled and improved by his Son) and also all their Right and Interest in all Lands granted and conveyed to other Persons, as aforefaid which, by not being improved within the Time limited in the faid Grants or Conveyances, or for any other Reason would revert to them, praying, That in Confideration of fuch Surrender, his Majesty would be pleased to direct, and cruse to be paid to each of them, the faid Henry Duke of Beauford, William Lord Graven, James Bertie, Henry Bertie, Sir John Colleton and Archibald Hutcheson, the Sum of Two Thousand Five Hundred Pounds a-piece, without any Deduction; And whereas Samuel Wragg of London, Merchant, deing duly authorized by Letter of Attorney under the Hand and Seal of the said Joseph Blake, bearing Date the Eleventh Day of July, One Thousand Seven Hundred and Twenty Eight, hath proposed for and on the Behalf of the said Joseph Blake, to shrrender and convey unto his Majesty, his Heirs and Successors, all the Estate, Right and Interest of the said Joseph Blake in and to the Premisses, upon Payment of the like Sum of Two Thousand Five Hundred Pounds to the faid Joseph Blake, without any Deduction: ND whereas they the faid Henry Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Sir John Colleton and Archibald Hutcheson, who is a Trustee for the said John Cotton as aforesaid, have said before a Committee of the Lords of his Majesty's most honourable Privy Council, an Estimate of all the Arrears of Quit-Rents, and other Rents, and Sum and Sums of Money now due and owing to them and the faid Joseph Blake, and to the faid John Lord Carteret, which Estimate, as computed, amounts to the Sum of Nine Illoufand Five Hundred Pounds; and they the faid

Exception:

Conditions of

Henry Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Sir John Colleton, and Archibald Hutcheson, have likewise humbly proposed, That is his Majesty would please to allow the Sum of Five Thousand Pounds for the said Arrears (over and above the faid feveral Sums of Two Thousand Five Hundred Pounds to be paid them respectively) they were willing to assign and make over to his Majesty their Right and Title to the said Arrears, and all other Demands whatfoever, which they have or can have, upon the Farmers, Tenants or Inhabitants of the Provinces or Territories aforefaid, or any of them; And whereas the faid Samuel Wragz, for and on the Behalf of the faid Joseph Blake, hath proposed to affign to his Majesty all the Right and Interest of the said Joseph Blake, in and to the faid Arrears and Demands, upon the Terms aforefaid: AND whereas his Majesty, taking into his Royal Consideration the great Importance of the faid Provinces and Territories to the Trade and Navigation of this Kingdom, and being defirous to promote the fame, as well as the Welfare and Scomity of the faid Provinces and Territories, by taking them under the more immediate Government of his Majesty, his Heirs and Successors, hath been graciously pleased to accept of the field feveral Proposals, and to agree to the same with fuch Variations as are herein after mentioned; And whereas from the Nature of the respective Estates and Interests proposed and agreed ro be furrendered to his Majesty as aforesaid, great Dissiculties may arise in the Manner of Conveying the same, and it is just and necessary that the Parts and Shares of the faid Provinces and Territories, to propoted and agreed to be furrendered, should be fecured to his Majesty, his Heirs and Successors, which cannot effectually be attained without the Authority of Parliament; Se it Enacted by the King's Most Excellent Majesty, by and with the Advice and Confent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the fame, That all those feven undivided Fighth Parts [the Whole into eight equal Parts or Shares to be divided] and all other the Part or Share, Parts or Shares, Interest and Estates of them the said Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson and Elizabeth Moor, Sir John Colleton, Archibald Hutcheson, as Trustee for the faid John Cotton, and Joseph Blake, and each of them, of and in the aforciaid Provinces or Territories called CAROLINA, and all and fingular.

singular the Royalties, Franchises, Lands, Tenements and Hereditaments and Premisses, in and by the said several recited Letters Patents, or either of them granted, or mentioned or intended to be granted by his faid late Majesty King CHARLES the Second, to the said Edward Earl of Chirendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Curteret, Sir John Colleton, deceased, and Sir William Berkley, their Helrs and Assigns, as aforesaid, with their and every of their Rights, Members and Appurtenances, and also all such Powers, Libertics, Authorities, Jurisdictions, Pre-eminences, Licences and Priviledges, as they the faid Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson and Elizabeth Moor, the present Sir John Colleton, the faid Archibald Hutcheson, as Trustee for the said John Cotton, Juseph Blake, every or any of them, can or may have, hold, use, exercise dr enjoy, by Virtue of or under the said recited Letters Patent, or either of them, and also all and singular Baronics, Tracts and Parcels of Land, Tenements and Hereditaments, which they the field Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson and Elizabeth Moor, the present Sir John Colleton, the said Archibald Hutchefon, as Truffee for the faid John Cotton, and Joseph Blake, any or either of them, are or is seized or possessed of or entituled unto, within the faid Provinces or Territories, except all fuch Tracts of Land, Tenements and Hereditaments, as have been at any Time before the first Day of Yanuary, One Thousand Seven Hundred and Twenty Seven, granted or conveyed by, or comprised in any Grants, Deeds, Instruments or Conveyances under the common Seal of the said Lords Proprietors, either in England, or in the Provinces aforefaid; and also except all such Plantations and Lands as are now in the Possession of the said Joseph Blake, his Under-Tenants or Assigns, by virtue of Grants formerly made by the faid Lords Proprietors of the faid Provinces for the Time being, to other persons, and since conveyed to or vested in the said Joseph Blake; and also except all that Barony and Tract of Land containing Twelve Thousand Acres, or thereatouts, the Possession whereof hath some Time since been delivered by the present Sir John Colleton, unto Peter Colleton Esq; his fecond Son, and all that other Barony or Tract of Land containing Twelve Thousand Acres or thereabouts, some Time since

Exceptions.

conveyed,

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conveyed by Sir John Tyrrel, Baronet, (formerly Owner of the faid Eighth Part or Share now belonging to the faid Archibald Hutcheson, as Trustee for the said John Cotton) to William Wight Esquire, and his Heirs: Provided, that the before mentioned Exceptions, or any of them, shall not include or extend to any Lands comprised in any Grant or Grants, made either in England or Carolina, under the common Scal of the Lords Proprietors for the Time being, which, fince the making fuch Grant or Grants, have become forscited by virtue of any Clauses contained therein, of to any of the Baronies herein before recited, or mentioned to be still remaining and vested in the said Henry Duke of Beauford, and the faid James Bertie and Dudington Greville as Trustees, some or one them, and in the faid William Lord Craven, the present Sir John Colleton, and the faid Archibald Hutchejon, as Truffce for the faid John Cotton, respectively, nor to any Rents, Services, Seigniories or Rights of Escheats, reserved upon or incident to any such Grant or Grants, or any Lands or Estates thereby granted, all such forseited Lands, and all such Rents, Seigniories and Rights of Escheat, referred upon or incident to any fuch Grant or Grants, or any Lands or Estates thereby granted, and also the Baronies last before mentioned, being hereby intended to be vested in the Persons, and for the Purposes herein after mentioned, and the Reversion and Reversions, Remainder and Remainders, yearly, and other Rents, Issues and Profits of the same Parts or Shares, Baronies, Lands, Tenements, Hereditaments and Premisses, so as aforesaid proposed and agreed to be furrendered to his Majesty, and of every Part and Parcel fucreof; and also all the Estate, Title, Interest, Trust, Property, Right of Action, Right of Entry, Claim and Demand whatfoever, of them the faid Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson and Elizabeth Moor, the present Sir John Colleton, the fail Archibald Hutcheson, John Cotton, and Joseph Blake, and each of them, of, in, unto or out of the same, every or any part or parcel thereof, by virtue of the said several recited Letters Patents, or either of them, or of any Grant, Affignment, Conveyance or Affurance made under or by Force of the same recited Letters Patents, or either of them, or otherwise howsoever, shall from and after the first Day of June, One Thousand Seven Hundred and Twenty Nine, be vested and settled, and the same are hereby vested and settled in and

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upon Adward Bertie of Grays-Inn, in the County of Middlesex, Samuel Horsey of the Parish of Saint Martins in the Fields, in the County of Middlesex, Henry Smith of Caversham in the County of Oxon, and Alexius Clayton of the Middle Temple, London, Esquires, to the only Wie of them the faid Edward Bertie, Samuel Florsey, Henry Smith and Alexius Clayton, their Heirs and Assigns, freed and difcharged and absolutely acquitted, exempted and indemnissed of and from all Estales, Uses, Trusts, Intails, Reversions, Remainders, Limitations, Charges and Incumbrances, Titles, Claims and Demands whatfoever; but nevertheless upon Trust, and to the Intent that they the said Edward Bertie, Samuel Horfey, Henry Smith and Alexius Clayton, and the Survivors or Shrvivor of them, and the Heirs of fuch Survivor, upon Payment by his Majesty, his Heirs or Successors, to the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, or to the Survivors or Survivor of them, or the Executors or Administrators of fuch Survivor, of the Sum of Seventeen Thousand FIVE HUNDRED POUNDS, free and clear of all Deductions, on or before the Twenty-Ninth Day of September, in the Year of our Lord One Thousand \$even Hundred and Twenty Nine, shall and do, by Deed indented, and to be inrolled in his Majesty's High Court of Chancery, furrender, convey and affure unto his Majesty, his Heirs and Successfors, all and singular the said seven Eighth Parts or Shares, [the Whole into eight equal Parts to be divided] and all other the Parts or Shares, Interest and Estates of and in the aforefaid Provinces or Territories, and all and fingular the Premisses hereby vested in them the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, and their Heirs as aforefaid, which faid Sum of Seventeen Thousand Five Hundred Pounds they the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, the Survivors or Survivor of them, or the Executors or Administrators of fuch Survivor, shall immediately after Receipt thereof, pay, apply and dispose of in Manner herein after mentioned, that is to fay, The Sum of Two Thousand Five Hundred Pounls, part thereof, to the faid James Bertie and Dodington Greville, Trustees as aforesaid, or the Survivor of them, or to the Executors or Administrators of such Survivor; Two Thousand Five Hundred Pounds, other part thereof, to the faid William Lord Craven, his Executors or Administrators; Two Thousand Five Hundred Pounds, other part thereof, to the said James Bertie, in his own Right, his Executors or Administrators;

Proprietors in Trust for his Majesty.

The Sum to be advanced by his Majesty.

The Money how to be difpoted.

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Two Thousand Five Hundred Pounds, other part thereof, unto such Person or Persons, and in such Shares and Proportions as the same, according to the Tenor, Purport and true Meaning of the said Order or Judgment of the House of Lords, ought to be paid and applied; Two Thousand Five Hundred Pounds, other part thereof, to the said Sir John Colleton, his Executors or Administrators; Two Thousand Five Hundred Pounds, other Part thereof to the said John Cotton, his Executors or Administrators; and Two Thousand. Five Hundred Pounds, the Residue thereof to the said Samuel Wragg, for the Use of the said Joseph Blake, or to the said Joseph Blake, his Executors or Administrators.

The Property vested in his Majesty after Payment.

And be it further Enacted by the Authority aforesaid, That from and after Payment of the faid Sum of Seventeen Thousand Five Hundred Pounds to the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and after the Execution of the faid Surrender and Conveyance to his Majesty, his Heirs and Successors, hereby directed to be made as aforesaid, his Majesty, his Heirs and Successors, shall have, hold and enjoy all and singular the faid seven Eighth Parts or Shares [the Whole into eight equal Parts to be divided and all other the Parts or Shares, Interests and Estates, of and in the aforefaid Provinces or Territories, and all and fingular the Premisses hereby vested in them the said Edward Bertie, Samuel Horfey, Henry Smith and Alexius Clayton, and their Heirs as aforefaid, freed and difcharged, and absolutely acquitted, exempted and indemnified of, from and against all Estates, Uses, Trusts, Intails, Reversions, Remainders, Limitations, Charges, Incumbrances, Titles, Claims and Demands whatfoever,

Arrears of Quit-Rents, on Payment of 5000 I to be affigned to the KingAnd be it further Enacted by the Authority aforesaid, That seven Eighth Parts—[the whole into eight equal Parts to be divided] of all and every the said Arrears of Quit-Rents and other Rents, Sum and Sums of Money, Debts, Duties, Accounts, Reckonings, Claims and Demands whatsoever now due and owing to them the said Henry Duke of Beanford, or to the said James Bertie and Dodington Greville, Trustees as aforesaid, and to the said John Lord Carteret, William Lord Craven, James Bertie in his own Right, Henry Bertie, Mary Danson and Elizabeth Moor, Sir John Colleton, Archibald Flutcheson, John Cotton, and Joseph Blake, or any of them, (whether the same be more or less than is computed as aforesaid) and all and

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every other Parts or Shares of the faid Henry Duke of Beauford, James Bertie and Dodington Greville, Trustees as asoresaid, William Lord Craven, James Bertie, in his own Right, Henry Bertie, Mary Danson and Elizabeth Moor, Six John Colleton, Archibald Hutcheson, John Cotton, and Joseph Blake, or any of them, of or in the faid Arreals, or which they or any of them, their or any of their Heirs, Executors, Administrators or Assigns, now have, or can or may have, claim, challenge or demand of or from the Farmers, Tenants or Inhabitants of the Provinces or Territories aforefaid, or any Part thereof, or any of them, shall, from and after the said sirst Day of June, in the Year of our Lord One Thousand Seven Hundred and Twenty Nine, be vested in the faid Edward Bertie, Samuel Horsey, Henry Smith, and Alexius Chayton, the Survivors or Survivor of them, and the Executors and Administrators of such Survivor, upon Trust, and to the Intent that they the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, shall, on Payment by his Majesty, his Heirs or Successors, of the Sum, of Five Thousand Pounds of lawful Money of Great Britain, free and clear of all Deductions, on or before the faid Twenty Ninth Day of September, in the faid Year, to the faid, Edward Bertie, Samuel Horsey, Henry Smith and Alex us Clayton, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, by Deed indented and to be involled in his Majesty's High Court of Chancery, grant and affign to his Majesty, his Heirs and Successors, all and every the said seven Eighth parts or shares sthe whole into eight equal parts to be divided and all other parts and shares of the said Arrears hereby vested in them the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton.

AND Whereas the said Henry Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Mary Danson, Dodington Greville, Sir John Colleton, John Cotton and Joseph Blake, are desirous that the said Sum of Five Thousand Pounds should be applied in Manner herein after mentioned; 23c it further Enacted by the Authority aforesaid, That the said Sum of Five Thousand Pounds, after Receipt thereof, shall be issued and paid by the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, the Survivors and Survivor of them, or the Executors or Administrators of such Survivor, to such of the Officers, Agents or Servants of the said

The 5000 l. how to be applied.

Lords

Lords Proprietors, or to such other person or persons, and sor such Purpotes as the said Henry Duke of Beauford, William Lord Craven, James Bertie, Henry Bertie, Mary Danson, Sir John Colleton, John Cotton and Joseph Blake, their Executors or Administrators, or any sour or more of them (the Executors or Administrators of each of them to be accounted only as one) shall by Writing or Writings under their Hands, from time to time, direct or appoint.

After Payment, the Arrears vested in his Majesty.

And he it further Enacted by the Authority aforesaid, That from and after Payment of the faid Sum of Five Thousand Pounds unto the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Glayton, the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and after the Execution of the Grant and Affignment of the faid parts and shares of the said Arrears, hereby directed to be made as atorcfaid, his Majesty, his Heirs and Successors, shall and may have, receive and enjoy the faid feven Eighth parts or shares, [the Whole into eight equal l'arts to be divided] and all and every other parts and shares of the faid Arrears of Quit-Rents, and other Rents, Sum and Sums of Money, Debts, Duties, Accounts, Reckonings, Claims and Demands, hereby vefted in the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexnes Clayton, and shall and may have, use and pursue such and the like Remedies for Recovery thereof, as full and effectually as the faid Henry Duke of Beauford William Lord Graven, James Bertie, Henry Bertie, Mary Danfon, Dodington Greville, Sir John Colleton, Archibald Hutchefon, John Gotton and Joseph Blake, any or either of them, might have, had, used or purfued if this A& had not been made.

The Receipts of the Proprietors in trult, a sufficient Difcharge to his Majesty. the Receipt or Receipts of the faid Edward Bertie, Samuel Horfey, Henry Smith and Alexius Clayton, the Survivors or Survivor of them, or of the Executors or Administrators of such Survivor, under their Hands, or his Hands or Hand respectively, shall be a sufficient Discharge to his Majesty, his Heirs and Successors, of and for the said several Sums of Seventeen Thousand Five Hundred Pounds, and Five Thousand Pounds, or so much thereof, or of either of them, as such Receipt or Receipts shall be given for; and that his Majesty, his Heirs and Successors, upon and after such Receipt or Receipts given as aforestaid, shall be absolutely acquitted and discharged of and from the same Monies, and shall not be answerable or accountable for any Loss, Non-application or Mis-application of the said Money, or any part thereofer.

Provided

Provided always, and It is hereby Declared and Enacted by the Authority aforesaid, That the Receipt or Receipts of the faid James Bertie of Dodington Greville, or the Survivor of them, his Executors or Administrators, under his or their Hand or Hands respectively, shall be a sufficient Discharge to to the said Edward Bertie Samuel Horsey, Henry Smith and Alexius Clayton, their Exccutors or Administrators, for the said Sum of Two Thousand Five Hundred Pounds, payable to them for the said eighth Part or Share of the said Provinces, Territories, Royalties, Lands and Hereditaments which was vested in the said Henry late Duke of Beauford, and the faid Sum of Two Thousand Five Hundred Pounds shall be and remain subject to the Frusts reposed in them by the Will of the same late Duke, or otherwise, concerning the same eighth part or share; but the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, their Heirs, Executors or Administrators, shall not be anfwerable or accountable for any Lois or Mif-application thereof, or of any part thereof.

Propided alio, and It is herebn Declared and Enacted That the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, shall not, nor shall any of them, or the Executors or Administrators of any of them be answerable or accountable for any Money to be received by virtue of or under the Trusts hereby reposed in them, any otherwise than each Person, his Executors or Administrators, for such Sum or Sums of Money, as he or they shall respectively actually receive, and none of them shall be answerable or accountable for the Acts, Receipts, Neglects or Defaults, of the other of them; and also that they the faid Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, their Executors or Administrators, shall and may, out of the Money hereby directed to be paid to them as aforefaid, retain and reimburse themselves for all Costs, Charges, Damages and Expences, that they respectively shall sustain, or be put unto, in and about the Execution of the Trusts hereby in them reposed.

AND Whereas there is due and owing to the King's most excellent Majesty, for Arrears of Rent reserved by the said several recited Letters Patents, or one of them, several Sums of Money, computed to amount to Three Hundred Pounds and upwards; show it is hereby further Cnacted and Declared by the Authority aforesaid, That the said Henry Duke of Beauford, William Lord Craven, Vol. II.

And to the former Proprietors.

One Trustee not accountable for another's Receipts.

Former Proprietors in Payment of the Sums agreed on, acquitted from all Arrears. 6

Tames Bertie, Dodington Greville, Henry Bertie, Mary Danson, Edizabeth Moor, the present Sir John Colleton, Archibald Hutcheson, John Cotton and Joseph Blake, and every of them, their and every of their Heirs, Executors and Administrators, respectively, from and immediately after the said Twenty-ninth Day of September, One Thousand Seven Hundred and Twenty Nine, (in case the said Sums of Seventeen Thousand Five Hundred Pounds and Five Thousand Pounds, shall then be paid and satisfied, and the Sale hereby intended shall be then compleated) shall be, and are hereby fully and absolutely acquitted and discharged of and from all Arrears of Rent whatsoever, due or owing upon or by virtue of the said recited Letters Patent, or either of them.

Time limited for the surrender.

Provided always, and It is hereby further Cuarted and Declared by the Authority aforefaid, That if his Majesty, his Heirs or Successors, do not or shall not, on or before the faid Twenty Ninth Day of September, One Thouland Seven Hundred and Twenty Niae, well and truly pay, or cause to be paid, both the several Sums of Seventeen Thousand Five Hundred Pounds, and Five Thousand Pounds, in Manner aforefaid, and according to the true Meaning of this Act, that then they the faid Edward Bertie, Samuel Hersey, Henry Smith and Alexius Chapten, or the Survivors or Survivor of them, or the Heirs, Executors or Administrators of such Survivor, shall not make such Surrender, Affignment, or Conveyance of the said Seven 1935hth Parts of Shares of the faid Provinces or Territories, and of the fail Arroun; or either of them, to his Majesty, his Heirs or Succesfors, as hereby is directed, but shall from and after the faid Twentyninth Day of September, One Thousand Seven Hundred and Twentynine, fland, and be feized and possessed all and singular the Premises hereby in them velled, to the only proper Use and Behoof of them the faid Henry Duke of Beauford, William Lord Craven, James Bertie, Dodington Greville, Lienry Bertie, Mary Danson, Elizabeth Moor, the present Sir John Colleton, John Cotton and Joseph Blake, and every of them, and of their and every of their Heirs, Executors, Administrators and Affigns, in fuch Shares and Proportions, and according to fuch respective Rights and Interests, as they severally had, or could have been entituled to, in and unto the same Premisses, in case this A& had never been made, and to and for no other Use, Trust, Intent or Purpose whatsoever.

SAVING

SAVING and Referving to all and every Person and Persons,

Bodies Politick and Corporate, their Heirs, Successors, Executors, Administrators and Assigns, sother than and except the said Henry Duke of Heanford, William Lord Craven, James Bertie, Dodington Greville, Ilenry Bertie, Mary Danson, Elizabeth Moor, Sir John Colleton, Archibald Hutcheson, John Cotton and Joseph Blake, their respective Ileirs, Executors or Administrators, and the Heirs of their respective Bodies, and all and every person and persons claiming, or to claim any Estate and Interest in the Premissios, or any part thereof, in Remainder or Resention, expectant upon or after the Determination of any Estate tail vessed in them the said Ilenry Duke of Beausord, William I ord Graven, James Bertie, Dodington Greville, Henry Bertie, Mary Danson, Elizabeth Moor, Sir John Colleton, Archivald Hutcheson, John Cotton and Joseph Blake, or any of them, and all and every person and persons claiming, or to claim any Estate or Interest in the Premisses, or any part thereof, by or under the Title of

he faid Flenry late Duke of Beauford, deceased] such Satisfaction and Recompense as is herein after mentioned, for all such Estate, Right, Title, Interest, Property, Claim and Demand whatsoever, in, to or out of the Premisses, or any part thereof, as they or any of them now have, or might have had or been entitled unto, in case this Act had

never been made.

Provided always, And be it further Enacted by the Authority aforefaid, That if any person or persons other than and except the Persons herein before excepted who now have, or shall have any Estate, Right, Title, Interest, Claim or Demand, either in Law or Equity, of in, to or out of the Premissis hereby vested as aforesaid, or any part thereof, shall, within the Space of Seven Years after the same shall be conveyed unto and vested in his Majesty, his Heirs and Successors, as aforefaid, commence and profecute any Action in Suit, either in Law or Equity, by Petition of Right, English Bill, or otherwife, against his Majesty, his Heirs or Successors, or the proper Oslicer or Officers, on his or their Behalf, wherein fuch Perfons might or ought to have recovered the Premisses hereby vested as aforesaid, or any Part thereof, or any Effate, Interest or Demand, in or out of the same, the Court wherein fuch Suit or Action shall be commenced or depending shall and may adjudge or decree, that fuch person or persons shall recover against his Majesty, his Heirs or Successors, such Sum or Sums of Money, as his or their Effate, Interest or Demand in or about the

Saving Claufe.

Perfors having Right, fueing within Seven Years, may recover against his Majesty.

Premisses

DOCUMENTS

CONNECTED WITH THE HISTORY OF

SOUTH CAROLINA.

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SOUTH CAROLINA!

EDITED BY

PLOWDED CHARLES JENNETT WESTON,

and Printed for private Discribition only.

LONDON.

1856.

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PRESIDENT AND MEMBERS OF THE

SOUTH CAROLINA HISTORICAL

SOCIETY.



NE of the chief uses of a society such as we constitute, is the publication of manuscripts and rare printed works connected with the history of our State, and until the Society assumes this labour to itself by publishing peri-

odical collections, each separate member (as in the Literary Clubs of Europe) must attempt to do, however imperfectly, what the association has not as yet attempted to perform at all. Such are my reasons for venturing to lay before you the following Tract, which as yet I believe sumbers unedited in the British Museum. If we are to believe its statements, (and I cannot treat them with wholesale incredulity,) Europeans most probably passed through the back parts of Carolina as early as 1568-9, and consequently the commencement of our history must be put back to that year.

I have not encleavoured to elucidate the narrative, or to trace the route of the adventurers; to do so would be difficult to the most learned, certainly impossible to me. I have only subjoined an extract from I-lawkins' third voyage in I-lakluyt, and a few verbal explanations. The spelling of the original is exactly retained.

Trusting that this may be only an advanced skirmisher, the predecessor of a long array of useful and curious works published under the auspices of the Society,

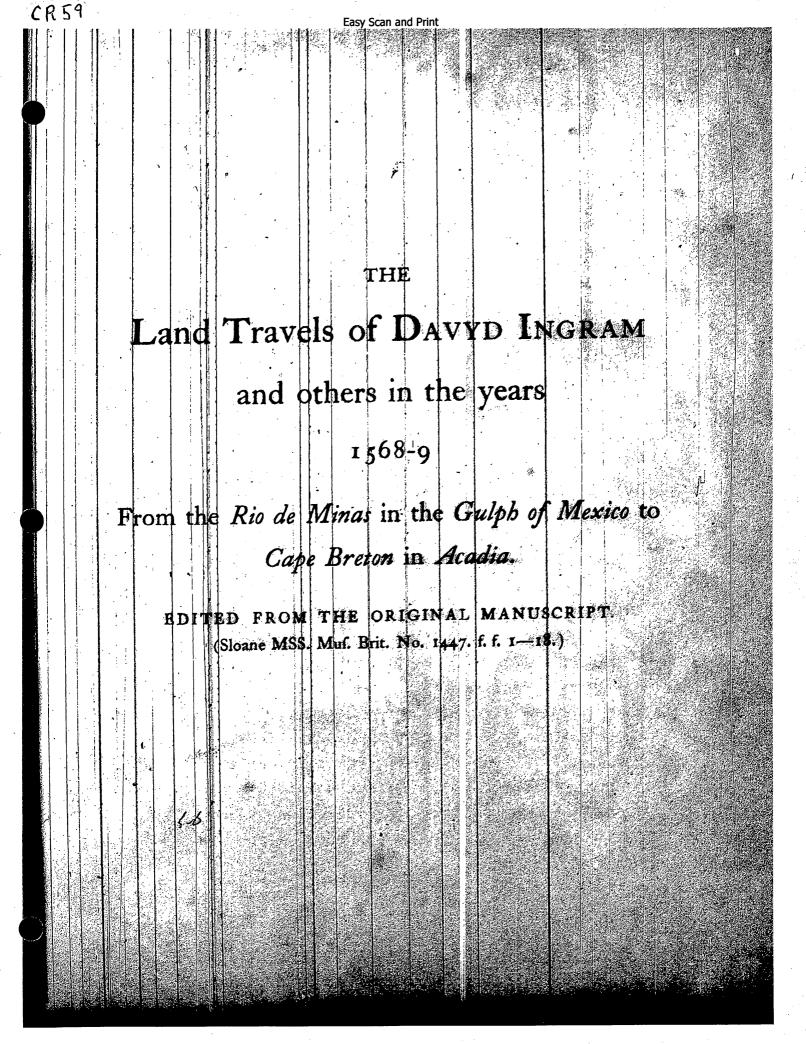
I have the honour to be,

Mr. Prefident and Gentlemen,

Your faithful fervant and colleague,

PLOWDEN CHARLES JENNETT WESTON.

Hagley, Feb. 1st, 1856, near Georgetonen, S. C.



LETTERS

Of Captain Thomas Young to

SIR FRANCIS WINDEBANK,

Secretary of State to King Charles I.

With a brief Relation of a Voyage from Virginia to the Northward in

LETTERS

From RICHARD CUMBERLAND, Esq.

TO ROGER PINCKNEY, ESQ.

His Deputy,

With Regard to the Provost Marshalship of South Carolina.

1764-1775.

DE BRAHM'S Philosophico-Historico-Hydrogeography Of South Carolina, Georgia, and East Florida.