

THE
STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

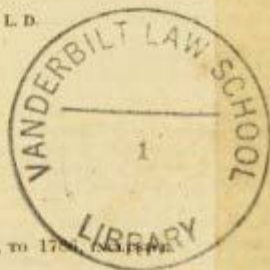
THOMAS COOPER, M. D.—L. L. D.

VOLUME FOURTH,

CONTAINING THE ACTS FROM 1752, EXCLUSIVE, TO 1790, INCLUSIVE.

ARRANGED CHRONOLOGICALLY.

COLUMBIA, S. C.
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1838.



A. D. 1785. be filled up by the joint nomination and appointment of the two remaining commissioners, to be approved of by his Excellency the Governor and Commander-in-chief for the time being, by and with the advice and consent of the Privy Council.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

Speaker of the House of Representatives.

No. 1262. *AN ACT FOR PRESERVING THE PRIVILEGES OF PUBLIC MINISTERS OF FOREIGN PRINCES AND STATES.*

Preamble. WHEREAS, the rights and privileges which ambassadors and other public ministers, authorized and received as such, have at all times been thereby possessed of, being founded on principles essential to the laws of nations and their common happiness, ought to be held sacred and inviolable.

Liabilities of persons insulting foreign ministers.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons whatsoever, shall attack, arrest, assault, threaten, or insult, the person of any ambassador, or other public minister, or in any other manner whatever violate or prejudice the rights and liberties which ambassadors or other public ministers are, by the law of nations, possessed of as aforesaid, every person so offending may be prosecuted by indictment or information at the suit of the State, in the court of general sessions of the peace, oyer and terminer, in the district where such offence shall be committed; and upon conviction, or the confession of the party, or by verdict of a jury, every such person so convicted shall be deemed a violator of the law of nations, and a disturber of the public repose, and shall suffer such punishment by fine or imprisonment, or both, as the court before whom such trial shall have been had, shall in their discretion judge proper to be imposed and inflicted, not exceeding the sum of two hundred pounds and six months imprisonment.

Foreign ambassadors cannot be prosecuted.

II. *And be it further enacted* by the authority aforesaid, That all writs and processes, that shall at any time hereafter be sued forth or prosecuted, whereby the person of any ambassador or other public minister of any foreign Prince or State, authorized and received as such by the United States of America in Congress assembled, or the domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels may be distrained, seized, or attached, shall be deemed to be utterly null and void, to all intents, constructions, and purposes whatsoever.

Persons knowingly prosecuting to be punished.

III. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall knowingly and willingly presume to sue forth and prosecute any such writ or process, such person and persons, and all attorneys prosecuting in such case, and all officers executing any such writ

A. D. 1785. or process, being thereof convicted in manner aforesaid, shall be deemed violators of the law of nations, and disturbers of the public repose, and shall suffer such pains and penalties as shall be fit, in manner aforesaid, to be imposed or inflicted: Provided, and be it declared, that no merchant or other trader whatsoever, who hath or shall put himself into the service of any such ambassador or public minister, shall have or take any manner of benefit by this Act; and that no person shall be proceeded against as having arrested a servant of an ambassador or public minister by virtue of this Act, unless the name of such servant be first registered in the secretary's office of this State, and be transmitted by such secretary, who is hereby enjoined so to do, to the sheriff of each district, who shall, upon receipt thereof, affix the same in some public place of their offices, whereto all persons may resort and take copies without fee or reward.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall be taken and allowed in all courts as a public Act, and that all judges and justices shall take notice of it without special pleading, and all sheriffs, constables, and other officers and ministers of justice concerned in the execution of process, are hereby specially required to have regard to this Act, as they will answer the contrary at their peril.

This act to be taken without special pleading.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN FAUCHEREAUD GRIMKE,

Speaker of the House of Representatives.

AN ACT FOR LAYING OFF THE SEVERAL COUNTIES THEREIN MENTIONED, No. 1263.
AND APPOINTING COMMISSIONERS TO ERECT THE PUBLIC BUILDINGS.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the following counties shall be established, with the several names, descriptions and boundaries hereinafter set forth and expressed: Six counties for the district now called Ninety-Six, that is to say: one county, situate, lying and being on Savannah river and adjoining the old Indian boundary, and known in the map of Ninety-Six district by the name of Abbeville; one other county, adjoining the above, and also bounded on Savannah river, known by the name of Edgefield; one other county, beginning at the Island Ford on Saluda river, thence along the old road to Odel's ford, on Enoree river, thence down Enoree to Anderson's ford, thence along the road to Hill's ford, on Tyger river, thence down the same to the mouth, thence down Broad river to a point thereon, eight miles below the district line, thence to the mouth of Bear creek, thence up Saluda to the beginning, and known by the name of Newbury; one other county, beginning at the Island Ford, thence up Saluda river to the Indian boundary, thence along the said boundary to Enoree river, thence to Odel's ford, and thence along the old road to the beginning, and shall be named Laurens county; one other county, bounded by Laurens county on the north, the Indian

Counties to be laid off. Ninety-Six to be divided into six counties.

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The district of
Camden to be
divided into 7
counties.

line on the westward, North Carolina boundary and Broad river to Tate's ferry, thence along the road to John Ford's plantation on Enoree river, including the same, and shall be called by the name of Spartanburgh; one other county, of the other part of the said district, and shall be called Union county. Seven counties of the district of Camden, that is to say: one county beginning on the Wateree at Person's Island, thence in a strait line to Black river at Potter's plantation, thence by the widow Grymes's plantation strait to Lynch's creek, thence down the creek to the district line, thence along the said line till it intersects the line of Prince Frederick's parish, thence along the said line to Santee, thence along Santee river to the beginning, and shall be called by the name of Clarendon county; one other county beginning at the corner of Clarendon county line, at Person's Island, thence up the Congaree river to the mouth of Cedar creek, thence on a strait line to the mouth of Twenty-Five Mile creek, thence down the Wateree river to the beginning, and shall be called Richland county; one other county, beginning at the mouth of Cedar creek, thence up Broad river to the mouth of Sandy river, thence in a strait line to the mouth of Rocky creek, thence down the Wateree river to the corner of Richland county line, and shall be called by the name of Fairfield county; one other county, bounded by Clarendon county line, thence up the Wateree river to the mouth of Pine-tree creek, thence along the said creek to Cantey's bridge, thence in a strait line to the fork of Lynch's creek, thence down the said creek to the corner of Clarendon county line, and shall be called Claremont county; one other county, beginning at the mouth of Pine-tree creek, thence up the river to the mouth of Twelve Mile Creek, thence to the North Carolina boundary, thence along the said boundary to the north branch of Lynch's creek, thence down the same to the fork thereof, thence along the line of Claremont county to the beginning, and shall be called and known by the name of Lancaster county; one other county, commonly called the New Acquisition, shall be known by the name of York county; one other county shall begin at the line of York county, thence down Broad river to the mouth of Sandy river, thence in a direct line to the mouth of Rocky creek on the Catawba river, thence up the Catawba river to the line of York county, thence along that county line to the beginning, and shall be called Chester county. The district of Cheraws shall be divided into three counties, that is to say: one county lying and being on the north-east side of Pedee river, bounding on the said river on the one side, the district line of Georgetown on the other side, and on the other the North Carolina boundary, and shall be called and known by the name of Marlborough county; one other county, beginning at the mouth of Cedar creek, on Pedee river, thence up to the head of the southernmost branch of the said creek, and thence by direct line to the fork of Lynch's creek, being the upper county of the said southern division of the district, and shall be called by the name of Chesterfield; one other county, beginning at the mouth of Cedar creek, thence down Pedee to the district line, thence along the said line to Lynch's creek, thence up the same to the fork, being the lower county of the said division, and shall be called Darlington county. The district of Georgetown shall be divided into four counties, as follows: that is to say, one county beginning at Linud's ferry, on Santee river, thence along the road to Potatooe ferry, to Shepherd's ferry on Black Mingo, to Britton's ferry on Great Pedee, thence along the said river and Big Bull's creek to Waccamaw river, thence along the said river to the lower end of Shad's Island, and from thence by a direct course over the said river to the sea, thence along the sea coast to the mouth of North Santee, and thence along the north branch thereof to the beginning, and

Cheraws divided
into three
counties.

Georgetown
divided into 4
counties.

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The district of
Charleston to
be divided into
six counties.

shall be called by the name of Winyaw county; one other county, beginning at Linud's ferry, on Santee river, thence along said river to the district line, thence along said line to Lynch's creek, thence along said creek to Great Pedee river, thence along said river to Britton's ferry, thence along the boundary of Winyaw county to the beginning, and shall be called by the name of Williamsburgh county; one other county, to begin at the corner of Winyaw county on the sea, thence along the line of said county to Waccamaw river, thence along said river to Big Bull's creek and Great Pedee river to the mouth of Little Pedee river, thence along Little Pedee and Drowning creek to the North Carolina line, thence along said line to the sea, thence along the sea coast to the beginning, and shall be called Kingston county; one other county, to begin at the district line, on Lynch's creek, thence along said line to the North Carolina boundary, thence along said boundary to Drowning creek, thence along said creek and Little Pedee river to Great Pedee river, thence along said river and Lynch's creek to the beginning, and shall be called by the name of Liberty county. The district of Charleston shall be divided into six counties, viz: one county beginning at Stono inlet, thence as far up Stono river as Wappoo Cut, thence down the creek to Ashley river, thence up the said river as far as the Quarter House, thence across the Neck to Cooper river, thence down the said river to Sullivan's Island, including the same, with all the other Islands southwestward to Stono inlet, and shall be called by the name of Charleston county; one other county, bounded by the line of Charleston county, from Sullivan's Island up Cooper river as far as the T, thence up the eastern branch of the said river to the road leading from Strawberry to Linud's ferry, thence along the said road to Santee river, thence down the north branch thereof to the sea, thence, including all the Islands southwestward, to the beginning, and shall be called Washington county; one other county, beginning at the mouth of Goose creek, up to the bridge, thence a northwest course 47.30, till it intersect the boundary line of Orangeburgh district, thence along the same to Santee river, thence down the said river to Linud's ferry, thence along Washington county line to the head of the eastern branch of Cooper river, thence down the same to the beginning, and shall be called by the name of Marion county; one other county, beginning at the corner of Charleston county, on Cooper river, thence up the same to the mouth of Goose creek, thence up the same to the bridge, thence a northwest course 47deg. 30min. till it intersect the district line of Orangeburgh, thence along the same until it crosses Edisto river, thence down the same to the head of Stono swamp, thence down the same to the parish line between St. Andrew's and St. George's, thence along the said line to Ashley river, thence down the said river opposite to the corner of Charleston county line, thence with the same to the beginning, and shall be called Berkeley county; one other county, beginning at the mouth of Wappoo creek, down to Ashley river, thence up the same to the parish line between St. Andrew's and St. George's, thence along the said line to Stono swamp, thence along the same to Edisto river, thence down the said river to South Edisto Inlet, including all the Islands to the eastward, to the beginning, and shall be called by the name of Colleton county; one other county, bounded from South Edisto Inlet, up the same until it intersect the district line of Orangeburgh, thence along the said line to Saltketcher river, thence down the said river to St. Helena Sound, including all the islands to the east, as far as South Edisto Inlet, and shall be called by the name of Bartholomew county. The district of Beaufort shall be divided into four counties, viz: one county bounded by the sea, Broad river and Savannah river, thence along the road from Zub-

Beaufort to be
divided into 4
counties.

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The district of Orangeburgh to be divided into 4 counties.

ly's ferry to Bee's creek bridge, thence by the water course to Broad river, and shall be called by the name of Hilton county; one other county, beginning at Zubly's ferry, thence up Savannah river to the district line, thence along the said line till it reaches Coosahatchie swamp, thence down Coosahatchie to the mouth of Bee's creek, thence up Bee's creek to the bridge, thence along the road to Zubly's ferry, and shall be called and known by the name of Lincoln county; one other county, bounded by the sea to the eastward and from the sea up Broad river to the mouth of Pocotaligo creek, thence, including Barnwell's and Hall's Islands, to Port Royal ferry, thence down Coosaw river to the sea, including all the islands within the said bounds, and shall be called by the name of Granville county; one other county, beginning at the mouth of Combabee, up the said river and the Saltketcher to the district line, thence along the same to Coosahatchie swamp, thence down the same to the mouth of Pocotaligo river, thence to the beginning, and shall be called by the name of Shrewsbury county. The district of Orangeburgh shall be divided into four counties, viz: beginning at the boundary line of Charleston district, in Four Hole swamp, thence along the main branch to the head, from thence northwest 25° to Beaver creek, and thence along the same to the Congaree, thence down Santee to Neilson's ferry, thence along Charleston district line to the beginning, and shall be called by the name of Lewisburgh county; one other county, beginning at the corner of Lewisburgh county line, in the Four Hole swamp, thence along the said line to Beaver creek, thence southwest 54° to the road leading from Orangeburgh to Ninety-Six, in the fork of Edisto river, thence south to the head of Little Saltketcher, thence down the said Saltketcher to the district line, thence to the beginning, and shall be called by the name of Orange county; one other county, beginning at the mouth of Beaver creek, thence along the line of Orange county, thence southwest 54° to the road leading from Orangeburgh to Ninety-Six, thence along the road to the district line, thence along the said line to Saluda river, thence along Union county line to Broad river, thence down the same and Congaree river to the beginning, and be called by the name of Lexington county; one other county, beginning on the Little Saltketcher swamp, at the corner of Orange county line, thence along the district line to Savannah river, thence up the same to the district line, thence along the said line to the south branch of Edisto, thence down the same to Tyler's ferry, thence a direct line to the Saltketchers, where the line of Beaufort district intersects, to Orange county line, thence south to the head of Little Saltketcher, thence down the same to the beginning, and shall be called Winton county.

The justices to build a court house, prison, pillory and stocks.

Penalty on failure.

II. *And be it further enacted* by the authority aforesaid, That the justices of the said several counties shall have power to erect or cause to be erected and kept in good repair, within each of their respective counties, and at the charge of such county, one good and convenient court-house, with necessary jury rooms, and one good and sufficient county gaol, of such materials, workmanship, size and dimensions, as such justices shall order and appoint, together with a pillory, whipping post and stocks; and shall also have full power to purchase, or receive by donation, two acres of land whereon to erect the said county buildings, for the use of such county, and for no other use whatsoever; and if the justices of the county shall, at any time hereafter, fail to erect or cause to be erected, and kept and maintained in good and sufficient repair, a court house, prison, pillory and stocks, every member of the court so failing shall forfeit and pay the sum of two hundred pounds lawful money, to be recovered by action of debt, one half to the treasurers for the time being, to the use of the county,

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and the other half to any person who shall inform and sue for the same in the court of common pleas.

III. *And be it further enacted* by the authority aforesaid, That the justices of the several county courts, who shall be appointed and qualified as such, shall have full power and authority to levy and assess an annual tax on the taxable property of the several inhabitants within the respective counties, for building the court houses, prisons, pillories, whipping posts and stocks, in the same form and manner and upon the same principles as the public taxes are imposed, levied and assessed, and shall be collected under the same regulations, and with the same coercive powers in the several sheriffs, as are prescribed and given with respect to taxes imposed by Act of Assembly for the support of Government; which county taxes so collected shall be paid to the said justices or their order; and the said several sheriffs of the respective counties shall be entitled to receive a commission of two and a half per cent. for collecting and paying the same, and no more.

IV. *And be it further enacted* by the authority aforesaid, That the justices of each county who shall be appointed and qualified as aforesaid respectively, shall be, and they are hereby, authorized and directed to erect the county buildings in the most convenient part of each county respectively, having regard to the form of the county, situation of the inhabitants, and convenience of the people; and in order that the establishing of the said court-houses may give general satisfaction, two-thirds of the said justices shall concur in fixing on the several places where the said public buildings shall be erected; and if injustice or partiality shall appear in appointing the places for erecting the said buildings, the people shall be redressed upon application, by petition to the Governor and Privy Council, who are hereby authorised and empowered to hear and finally determine the same.

V. *And be it further enacted* by the authority aforesaid, That all the lands and inhabitants lying and being above the old Indian boundary, and to the northwest of the road commonly called Pearris's waggon road, from the said boundary by Isaac Morgan's and Pearris's old place, up to Saluda river, and thence up the south fork thereof, shall be annexed to and included in Spartanburgh county; and all the lands and inhabitants being to the south-east of the said waggon road and Saluda river and the fork of Saluda, down to the old Indian boundary, shall be annexed and included in Laurens county; and all the lands and inhabitants being to the southward of Saluda river and the south fork thereof, above the old Indian boundary, shall be included in and annexed to Abbeville county: Provided nevertheless, that such annexation shall not affect the erecting of the county buildings of Abbeville, Laurens and Spartanburgh, which shall be erected at the respective places, as if such annexation had not been made.

VI. *And be it further enacted* by the authority aforesaid, That where any road or navigable river is the dividing line between two counties, the justices of each county that shall be so divided shall exercise an equal jurisdiction over the said road or river; and the process and orders of each of the said justices which shall be first executed thereupon, shall have jurisdiction, sole and exclusive, as to such other county, and the subject matter of such process or order; any thing herein contained to the contrary notwithstanding.

VII. *And be it further enacted* by the authority aforesaid, That the new town which has been lately laid out in the district of Ninety-Six, shall be known by the name of Ninety-Six.

VIII. *And be it further enacted* by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to make any alteration

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Tax to be levied to erect the public buildings.

Public buildings to be erected in the most convenient part of each county.

Lands annexed to the counties of Spartanburgh and Laurens.

Dividing lines.