

## **BERKELEY – DORCHESTER BOUNDARY SAWMILL BRANCH TO FOUR HOLE SWAMP**

The questioned section of the county line between Dorchester and Berkeley counties runs from a point on the run of Four Hole Swamp three-quarters of a mile northeast of the Four Hole Bridge near Harley's on a straight line to a point upon Saw Mill Branch one mile northeast of the Southern Railway System tracks.

### **DISCUSSION**

The questioned section of the county line between Dorchester and Berkeley counties runs from Four Hole Swamp to Saw Mill Branch. In the "Code of Laws of South Carolina 1976" this line is from "...the intersection of the run of said swamp with the old county line between Colleton and Berkeley Counties; and by a straight line running thence to a point upon Saw Mill Branch one mile northeast of the South Carolina and Georgia Railroad ..." (Volume IA, Chapter 3, Section 4-3-200. Dorchester County, p. 98-99). The section of the "Code of Laws of South Carolina 1976" describing this part of the boundary between Dorchester and Berkeley counties simply states Berkeley County is bounded southwesterly by Dorchester County" (Volume IA, Chapter 3, Section 4-3-80. Berkeley County, p.86).

This line was defined when Dorchester County was established February 25, 1897 and a portion of Berkeley County was incorporated into Dorchester County: "...Dorchester County, is formed, with the following boundaries, to wit: ... and all that portion of Berkeley County included within the following lines, to wit: From the intersection of the County line between Colleton and Berkeley Counties with the run of Four Hole Creek a straight line to a point upon Saw Mill Branch one mile Northeast of the South Carolina and Georgia Railroad, thence along said branch to the Colleton County line, and thence back to the starting point along the line of division between Colleton and Berkeley Counties." ("Acts and Joint Resolutions of the General Assembly of the State of-South Carolina passed at the Regular Session of 1896," Number 346, Section 1, p. 596).

The eastern endpoint of the straight line on Saw Mill Branch can be plotted easily on a modern map. The South Carolina and Georgia Railroad became the Southern Railroad that is now the Southern Railway System and is part of the Norfolk Southern Corporation. To determine the western endpoint of the straight line, one must first refer to the act that established Berkeley County on January 31, 1882. This act simply stated "That the boundaries of the said County shall be as follows: ... west, northwesterly, and west by Colleton County..." (Acts and Joint Resolutions of the General Assembly of the State of South Carolina, passed at the Regular Session of 1881-82, Number 527, Section 2, p. 682). An act to amend the act establishing Berkeley County changed Section 2 to read: "The boundaries of the said County of Berkeley shall be as follows: ... West and Northwestwardly by Colleton County; South and Southwestwardly by Charleston County and Colleton County;..." (Acts and Joint Resolutions the General Assembly of the State of South Carolina passed at the Regular Session of 1892, Number 388, Section 2, p. 561).

Because the point was not defined by the act establishing Berkeley County, one can refer to the "The Revised Statutes of the State of South Carolina" of 1872 to determine the western endpoint. The western endpoint of the questioned line segment between

Dorchester and Berkeley counties was the western endpoint of a section of the boundary line between Charleston and Colleton counties. In Title VI, Chapter XVIII, Section 7 this boundary is described for Charleston County as "...at Harley's Bridge, thence by a line drawn (south 64° east,) to Windsor Hill,..." and in Section 11 for Colleton County is described as "...then by a straight line drawn from Windsor Hill (north 49° west) to Four Hole Swamp, three quarters of a mile above Four Hole Bridge, near Harley's...". The two sections describe the same segment of the boundary line, but are inconsistent. After the establishment of Berkeley County on January 31, 1882, this inconsistency was resolved by "The General Statutes and the Civil Procedure of The State of South Carolina, adopted by the General assembly of 1881- 82." Section 409 simply states "BERKELEY COUNTY is bounded as follows:...west, northwestwardly, and west by Colleton County..." which left Section 414 to define this section of the boundary line between Berkeley and Colleton counties, to wit: "COLLETON COUNTY is bounded as follows: On the east and north by Berkeley County, from which it is divided as follows: ... to Windsor Hill, the extreme southeast corner of the County, then by a straight line drawn from Windsor Hill (north 49° west) to Four Hole Swamp, three-quarters of a mile above Four Hole Bridge, near Harley's..." (Title V, Chapter XIII, Section 409, p. 138, Section 414, p. 140).

In "The Revised Statutes of South Carolina" of 1893, Section 467 defining the boundary of Berkeley County incorporates the wording of the 1892 act amending the 1882 act establishing Berkeley County. Section 467 states BERKELEY COUNTY is bounded as follows: "...West and Northwestwardly by Colleton County; South and Southwestwardly by Charleston County and Colleton County ..." (Title V, Chapter XVII, Section 467, p. 176). Section 472 defining the boundary of Colleton County is not changed from the 1882 description.

In the "Code of Laws of South Carolina, 1902," Section 536 defining the boundary of Berkeley County is changed because of the establishment of Dorchester County in 1897. Section 536 states "BERKELEY COUNTY is bounded as follows: "...west and northwestwardly by Dorchester County; south and southwestwardly by Charleston County and Dorchester County; ..." (Title V, Chapter XVII, Section 536, p. 229). Sec. 544, defining the Dorchester County boundary, states: "DORCHESTER COUNTY is comprised of ... and all that portion formerly of Berkeley County included within the following lines, to wit: From the intersection of the County line between Colleton and Berkeley Counties with the run of Four Hole Creek a straight line to a point upon Saw Mill Branch one mile northeast of the South Carolina and Georgia Railroad, thence along said branch to the Colleton County line, and thence back to the starting point along the line of division between Colleton and Berkeley Counties. And is bounded northeast by Berkeley County from which it is separated by the Four Hole Swamp from the intersection of said swamp with the old district line (drawn from Nelson's Ferry on the Santee River, to Matthew's Bluff, on Savannah River) to the intersection of the run of said swamp with the old County line between Colleton and Berkeley Counties; and by a straight line running thence to a point upon Saw Mill Branch one mile northeast of the South Carolina and Georgia Railroad, and thence along said branch to the old division line between Colleton and Berkeley Counties; and thence by said old division line to the point where said line intersects the division line between Charleston and Berkeley Counties;..." (Volume 1, Title V, Chapter XVII, Section 544, p. 232-233). This language remained the same in the Codes of Laws of South Carolina: 1912, Volume 1, Title V, Chapter XVII, Section 604, p. 204; 1922, Volume 111, Title V, Chapter XVII, (685) Section 19, p. 272-273; 1932, Volume II, Title 27, Chapter 112, Article 1, Section 2993,

p. 462-463; 1942, Volume 2, Title 27, Chapter 112, Article 1, Section 2993, p. 673. In the subsequent Codes of Laws of South Carolina (1952, Volume 2, Chapter 2, Section 14-68, p. 59-60; 1962, Volume 3, Chapter 2, Section 14-68, p. 206-207; 1976, Volume IA, Chapter 3, Section 4-3-200, p. 98-99), the first “South Carolina and Georgia Railroad” is changed to “Southern Railroad.”

The language describing the boundary of Berkeley County in the 1902 Code of Laws of South Carolina remains the same in the Codes of Laws of South Carolina for 1912, Volume 1, Title V, Chapter XVII, Section 594, p. 199-200; 1922, Volume 111, Title V, Chapter XVII, (675) Section 9, p. 266-267; 1932, Volume 11, Title 27, Chapter 112, Article 1, Section 2983, p. 455-456; 1942, Volume 2, Title 27, Chapter 112, Article 1, Section 2983, p. 665-666. In the subsequent Codes of Laws of South Carolina (1952, Volume 2, Chapter 2, Section 14-58, p. 51-52; 1962, Volume 3, Chapter 2, Section 14-58, p. 198-199; 1976, Volume IA, Chapter 3, Section 4-3-80, p. 86-87), the wording is changed to “Berkeley County is bounded as follows: ... southwestwardly by Dorchester County; southwestwardly and southeastwardly by Charleston County.”

A historical footnote: A Berkeley County was established from the district of Charleston on March 12, 1785: “The district of Charleston shall be divided into six counties, viz: ... 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. 30 m. 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;...” (“An Act For Laying Off The Several Counties Therein Mentioned, And Appointing Commissioners To Erect The Public Buildings,” Statutes at Large of South Carolina, Volume 4, Part 2, Number 1263, p. 663). However, “An Act To Establish An Uniform And More Convenient System Of Judicature” passed December 21, 1798 divided South Carolina into districts and Berkeley County was incorporated into the Charleston District: “... one other district, to be named Charleston district, to comprehend the former district of Charleston, except Colleton district;...” (Statutes at Large of South Carolina, Volume 7, Part 1, p. 284). Section 3 of the 1868 Constitution of South Carolina changed the judicial districts back into counties: “Section 3. The Judicial Districts shall hereafter be designated as Counties, and the boundaries of the several counties shall remain as they are now established, except the County of Pickens,...”.