THE 1868 TOWNSHIP LAW
AND
YORK COUNTY, SOUTH CAROLINA

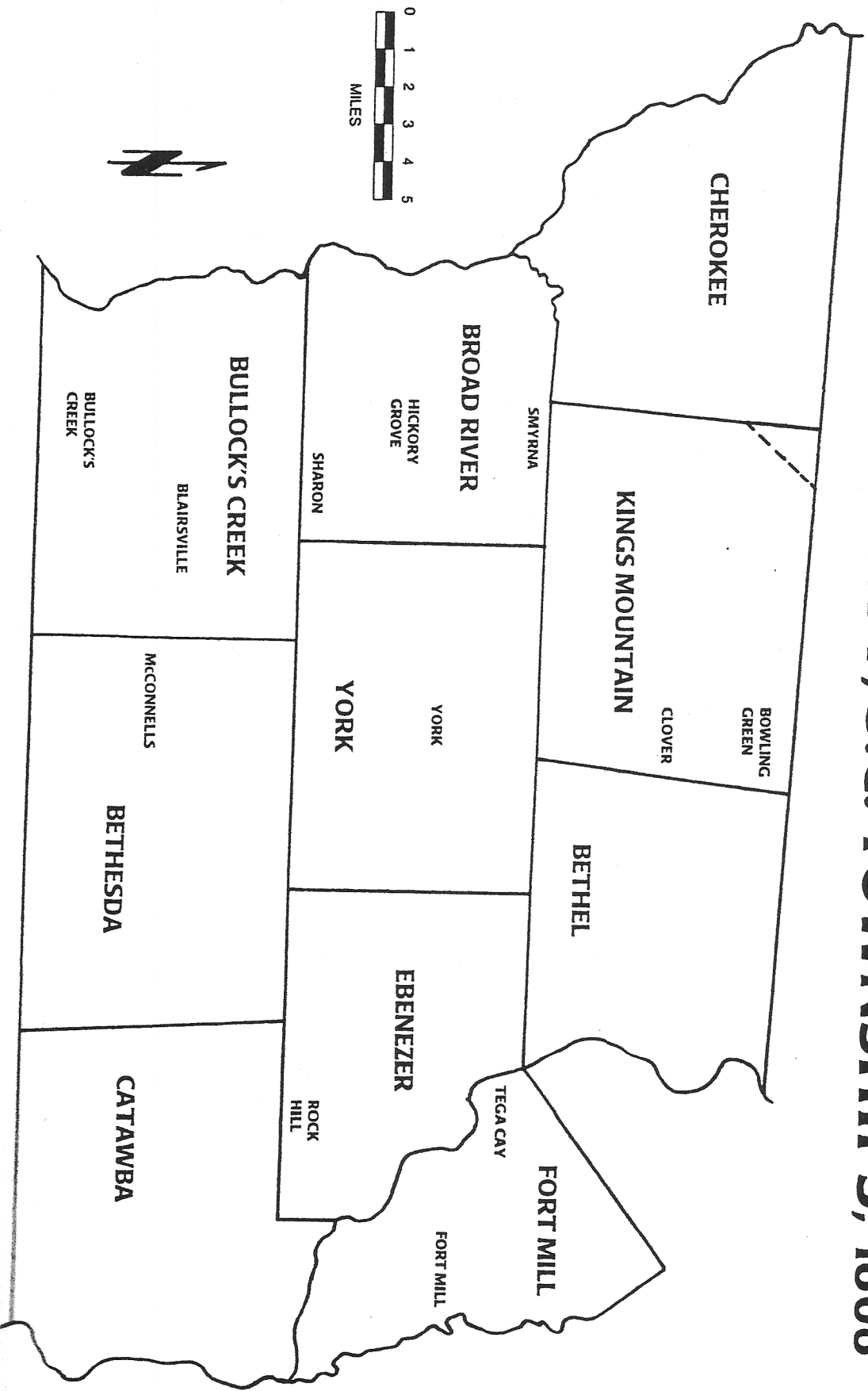Robert Jerald L. West

Broad River Basin Historical Society
Hickory Grove, South Carolina 29717

1996

YORK COUNTY, S.C. TOWNSHIPS, 1868

CHEROKEE

SMYRNA

BOWLING GREEN

CLOVER

KINGS MOUNTAIN

BROAD RIVER

HICKORY GROVE

SHARON

YORK

YORK

BETHEL

BULLOCK'S CREEK

BULLOCK'S CREEK

BLAIRSVILLE

McCONNELLS

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THE 1868 TOWNSHIP LAW AND YORK COUNTY, SOUTH CAROLINA

A Study of the Formation and Obsolescence of Townships In York County South Carolina, based on the local Newspaper, the *Yorkville Enquirer*.

The formation of Townships within each county of South Carolina was an attempt to standardize government within small areas, and to promote the welfare of an area's citizens by empowering local officers. In brief, townships were to levy taxes to provide support for township schools and to maintain roads, bridges and burial grounds, as well as pay necessary expenses.[1] Individual townships were authorized to call meetings of its citizens to ratify the appointment of jurors, determined by the elected selectmen, and to make decisions on the manner of repairing existing roads and opening new roads.[2]

The State Constitutional Convention of 1868, which met in Charleston on 14 January to frame a new constitution for South Carolina, would offer an experiment in local democracy. The state's judicial and elections districts were revamped, and each county was to elect by popular vote a board of commissioners to have "jurisdiction over the highways and the supervision of the collection and disbursement of public funds." These boards also were to subdivide the counties into townships based on New England's township type of government.

As an initial effort to comply with the law, York County held elections in June of 1868 for a Board of Commissions. Elected were white Democrats: C. Whisonant, B. F. Bridges and P. Garrison.[3] They immediately were seated and began fullfilling their duties. The 1868 Township Law passed by the Legislature required each county to be divided into sections containing not less than thirty-six or more than one hundred square miles, and to have an administrative body somewhat similar to incorporated towns.[4] The York County Board of County Commissioners, responsible for township boundaries and names, determined to create eleven divisions.[5]

"The Township Law," *Yorkville Enquirer*, 1 April 1869.

"Township Meeting," *Yorkville Enquirer*, 16 September 1869. While many in 1867 were unaware of the fact, townships existed earlier in South Carolina. In 1731, eleven townships, containing 20,000 acres each were established "on the banks of certain rivers." In 1761, the South Carolina Legislature passed an Act to establish several additional townships, a government program that encouraged and partially subsidized . . . migration and new settlements." Fundamentally, both were designed to promote settlement. The earlier townships bore almost no relationship to those formed in 1868.

"The District Election," *Yorkville Enquirer*, 11 June 1868. Three Republicans (Radicals) ran for the office of county commissions, M. O'Connell, J. R. Faris, and W. E. Kell, but all were thoroughly trounced.

"The Township Law," *Yorkville Enquirer*, 17 December 1868.

Ibid.

Prior to the actual surveys, the Commissioners chose the various township names. "Catawba" was to embrace the voting precinct of Coate's Tavern and the surrounding area; "Fishing Creek" would take in the Bethesda Community; "Turkey Creek" would consist of the Blairsville and McConnellsville voting precincts; "Bullock's Creek" was to take in the Southwestern corner of the county; "Broad River" was to embrace the area of Wylie's Store (now known as Hickory Grove); "Ebenezer" would incorporate the town of Rock Hill and the surrounding neighborhoods; "Bethel" would contain the areas around Bethel Presbyterian Church; "Kings Mountain" would consist of the country around New House and Antioch Baptist Church; "Cherokee" would include the area of King's Creek and Buffalo Creek; "Fort Mills" would take in all land east of the Catawba River; and "Yorkville" would embrace the town of York and its immediate area.[6]

While the original plan called for eleven townships, only ten actually were surveyed. "Fishing Creek" and "Turkey Creek" never came into existance. The township ultimately established to encompass the area around Bethesda Presbyterian Church (taking in the McConnellsville precinct, which was to have been part of "Turkey Creek" Township) was called "Bethesda." The remaining portion of "Turkey Creek" became part of "Bullock's Creek"and contained the Blairsville precinct. (Cherokee Township was surrendered to Cherokee County when it was formed in 1897.[7])

The three men appointed by the Commissioners to survey the township boundaries were D. D. Moore, J. G. Enloe and W. B. Allison. They began their assignment by running two lines, east to west and parallel with the York-Chester County line. This action divided the county into three belts, and each belt was assigned to one of the three surveyors.[8] Their task was completed by March 11, 1869, as reported by the *Yorkville Enquirer*.[9] The description of the boundary lines is of some interest because of the names and places mentioned.[10]

> <u>Cherokee</u> extends, on the West, from the North Carolina line Southward along Broad River to the mouth of Kings's Creek; thence North-Eastward up the creek to J. G. Darwin's field; thence East to Henderson Border's field; thence North to Hambright's on the North Carolina line.

Ibid

In 1920 a petition placed before Governor Robert A. Cooper requesting an additional two square miles of the Kings Mountain Township be annexed to Cherokee County was granted. Sixty-seven people inhabited the area having a total of $14,130.00 taxable property. One-third of qualified voters signed the petition; they were: P. A. Hambright, G. W. Hambright, Luther Jackson, Pete Jackson, M. C. Ramsey, R. D. Hambright, R. G. Childers, S. T. Childers and C. L. Royster. (See illustrated map.)

"The Township Law," *Yorkville Enquirer*, 17 December 1868. These three men evidently had crews working with them; a member of one crew was J. A. Hope of Sharon. At a hearing involving the placing of a depot at Sharon in 1888, Hope testified he assisted in surveying the township lines. Jerry L. West, "Sharon: Boom or Bust," *The Broad River Notebook*, I (June 1992): 4.

"The Township Survey," *Yorkville Enquirer*, 11 March 1869

"The Township Law," *Yorkville Enquirer*, 11 March 1869

King's Mountain township extends from Hambright's East to Flanagan's, or Fullenwider's old store; thence to South to Wm. Youngblood's field; thence West to Henderson Border's field, from which point its western boundary coincides with the eastern boundary of Cherokee.

Bethel township extends east from Fullenwider's old store to Craig's Ferry on the Catawba River, which is its eastern boundary; on the south it extends from Wm. Youngblood's field to James Partlow's on the river.

Broad River township is bounded on the west by King's Creek, from J. G. Darwin's field to it mouth, and by Broad River from that point to Wm. Mitchell's. Thence the line runs east to near Sharon Church; thence north to Mrs. McAfee's; thence west to J. G. Darwin's field.

York township lines turns from Mrs. McAfee's east, to Joseph Miller's; thence south to W. J. Litle's [Little's] house, thence west to Sharon Church, from which point it coincides with the eastern boundary of Broad River township.

Ebenezer township has the eastern boundary of York township for its western boundary. Its northern boundary extends from Jos. Miller's field to Jas Partlow's on Catawba River. The eastern boundary follows the Catawba River to Nations Ford, from which point it runs due South to R. A. Spring's house. The southern boundary runs from R. A. Spring's house to W. J. Litle's.

Bullock's Creek township has Broad River for its Western boundary from Wm. Mitchell's to the Chester line, which is its Southern boundary from the river to near Dr. Wm. McNeill's, due north to J. G. Templeton's field, and from this field west, to Wm. Mitchell's is its northern boundary.

Bethesda township lies immediately east of Bullock's Creek. Its boundary line runs east from J. G. Templeton's field to S. M. Roach's; thence south to E. M. Neely's; thence west along the Chester line to Dr. Wm. McNeill's field.

Catawba township includes all the county east of Bethesda and south of Ebenezer, having Catawba River for its eastern, and the Chester line for its southern boundary.

Fort Mills township includes all that portion of the county east of the Catawba River.[11]

The township's square miles and acreage were given as: Cherokee, 73 square miles and 454 acres; equal to 49,974 acres. King's Mountain, 90 square miles, equal to 57,600 acres.

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[11] "The Township Survey," *Yorkville Enquirer*, 11 March 1869.

Bethel, 69 square miles and 28 acres, equal to 44,238 acres. Broad River, 63 square miles and 164 acres, equal to 40,484 acres. York, 79 square miles and 480 acres, equal to 51,040 acres. Ebenezer, 70 square miles and 616 acres, equal to 43,410 acres. Bullock's Creek, 85 square miles, equal to 54,400 acres. Bethesda, 92 square miles and 613 acres, equal to 59,493 acres. Catawba, 86 square miles and 404 acres, equal to 55,404 acres. And Fort Mills, 50 square miles and 216 acres, equal to 32,216 acres.[12]

Preceding the election of the township officers (which was scheduled for 7 April), the *Union Times* of Union County, South Carolina, published a synopsis of the Township Law to better inform its readers; Lewis M. Grist, editor of the *Yorkville Enquirer*, published that synopsis in his 1 April edition with the same intent.[13] It offers the following information:

Each township was to have three selectmen. It was their duty to call an annual meeting on the second Tuesday of April, or at other times they deemed necessary. At this meeting new officers were to be nominated. The Selectmen were to have all the powers of a Constable except for the power of executing civil process. Selectmen could appoint policemen, oversee registrations and elections, oversee the poor, and renew the bounds of the township every seven years. They were to have general supervision of the township; they could make out tax bills to collect taxes; they could order an audit, pay claims on the County and prepare a list of qualified jurors. Selectmen also had the power to lay a tax of eighteen cents on every hundred dollars of assessed property for the purpose of keeping up roads and bridges. Selectmen were to receive $1.50 per day for services performed. Township Clerks were to record all votes passed at the meetings as well as administer oaths and perform the other usual duties of a clerk. They were to receive $1.50 per day for attending township meetings.

The Road Surveyors' duties were to make sure that all highways in the township were kept in good condition, oversee all work done, and receive and disburse all moneys paid in lieu of work. The officers were subject to strict penalties for neglect of their duty; they could be fined ten dollars plus costs for proven neglect without just cause. The surveyors were to be compensated at fifteen cents per hour. The Constable's penalty for neglect of duty was a whopping two hundred dollars.

Should a person be unable to pay the tax levied for road repairs, he could work on the roads at ten cents per hour or allow use of his wagons, teams and tools. Should he suffer injury to himself or damage of equipment, he could recover the amount from the township. All regular work was to be done between 15 January and 1 May, and 1 September and 1 November. Any person who refused to turn out for work on roads or bridges, after a six hour notice, was subject to a fine of three dollars.

No person could serve in the same office for two years successively. Furthermore, any person serving in any office of the State or United States, as a member of the House of

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Ibid.

"The Township Law," Yorkville Enquirer, 1 April 1869.

Representatives or the Senate, as a Minister of the Gospel, or who had served as Constable in the past seven years could not be obligated to accept the office of Constable.

Meetings to nominate officials for the various township positions apparently were held prior to the elections. Most of the townships in the western portion of the county held their elections on the 7th of April with the remainder taking place a few weeks later. The following results are only those for elections held on the 7th:

BROAD RIVER
        Selectmen: J. A. Hope, D. G. McKinney and W. T. Hartness
        Constable: D. C. Crosby
        Surveyor of Roads: R. G. Whitesides

BETHEL
        Selectmen: J. L. Barron, Maj. A. A. McKenzie and J. C. Patrick
        Clerk: J. D. P. Currence
        Constable: C. C. Lanier
        Surveyors of Roads: J. J. Jackson and B. R. Miller

CHEROKEE
        Selectmen: G. R. Whisonant, R. E. Porter and T. P Whisonant
        Clerk: D. L. A. Hill
        Constable: Hamilton Wilson
        Surveyors of Roads: H. M. Moore, H. H. Hicks, T. D. Fulton & Wm
                              Caldwell

KINGS MOUNTAIN
        Selectmen: Wm. McGill, J. J. Wilson and W. S. Plexico
        Clerk: Z. D. Smith
        Surveyor of Roads: J. N. McElwee Jr., and J. W. Beamguard

BETHESDA
        Selectmen: Daniel D. Moore, E. A. Crawford and Joseph P. Moore
        Clerk: James E. Wilson
        Constable: A. F. Lindsay
        Surveyors of Roads: J. A. Ervin and J. D. McConnell.[14]

Ten days later, on Saturday, April 17, the people of York Township nominated Walter B. Metts, W. Adolphus Moore and Capt. Samuel Smith to the office of Selectmen, James H. Fayssoux to the office of Clerk and Joseph Herndon,[15] R. M. Kerr, Benjamin P. Boyd, and E.

Davidson as Surveyors of Roads.[16] Since no pay was attached to the office of Constable, and the Selectmen had the power of appointment, no nominations for this position were

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"Township Elections," Yorkville Enquirer, 22 April 1869. No information had been found on the remaining

Herndon opened flouring and corn mills 2 miles west of York in January of 1868.

made.   On Friday, April 23, elections were held and each of the nominees was voted into his respective office. W. A. Smith was elected Constable.[17]

Many persons seemingly were elected with little knowledge of their duties and actually had to be "conscripted. . .against their own desires. . . ." since few volunteers came forward during the nomination process.[18] To assist the new officials, the Township Law was published in full in the 29 April edition of the *Yorkville Enquirer*.

It appears that few people had any confidence in the Township Law, even though the act effectively put more government into the hands of the local citizens. Being initiated by the Reconstruction government, most viewed it as just another form of Yankee "humbuggery."[19] Even before the surveying of township boundaries had been completed, the Township Law was under fire. In July of 1868, up to about twenty county commissioners held a conference in Columbia to study the financial aspects of the law; they concluded that the impoverished condition of the state rendered it impossible for the people to pay the additional taxes mandated by the plan.[20]   They recommended that the Legislature instead appoint a special commissioner for each township who would serve under the county commissioners and that his pay not exceed two dollars per day when actually employed.[21]

Any one of these special commissioners would be responsible to his respective County Commissioners, and would inspect the condition of the roads, bridges and the poor in his assigned area.[22] Annually he would prepare a list of qualified voters and select one out of every ten who, in his opinion, was qualified to serve on a jury in accordance with an act passed September 20, 1868, entitled "An Act to Regulate the Manner of Drawing Jurors." Lastly, he would be empowered to call every man from eighteen to fifty to work on the roads for a period of six days per year, with all defaulters to be subject to double the days.

The commissioners assembled at the conference also submitted a report that would initially be a death-knell for the township plan. They argued that if the state, which contained 37,000 square miles, was divided as the law required, it would exhibit seven hundred and forty townships, each requiring seven officers. The law allowed $1.50 per diem for each officer on duty. If each officer served for one hundred and fifty days per year, the payroll for one township would be $1,575. Multiplied by all the townships, the state-wide payroll would amount to $1,165,000. If the Commissioners' plan to hire only one "Special Commissioner"

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[16]   "Township Officers," *Yorkville Enquirer*, 22 April 1869.

[17]   "Township Election," *Yorkville Enquirer*, 29 April 1869.

[18]   "The Township Law," *Yorkville Enquirer*, 29 April 1869.

[19]   "The Township Law," *Yorkville Enquirer*, 17 December 1868.

[20]   The South Carolina Legislature earlier had authorized the commissioners to levy a tax not exceeding three mills to the dollar for all county purposes. This made it impossible for Townships to levy an additional tax to carry out their vested duties.

[21]   "The Township Law," *Yorkville Enquirer*, 9 December 1869.

[22]   Ibid.

was accepted, and assuming he would be on duty for only forty days out of the year, the payroll would be only $80 per township and $59,200 for all the townships.[23]

Even with new plans for administration being proposed and a lack of confidence in the township system, York County began fulfilling the law's requirements by the spring of 1869. One writer, who used his energies to encourage the York County people to cast their ballots for the "right sort of men to fill these offices," admitted "Its [the Township Law] benefits are, to say the most, doubtful; but as it has been enacted, the experiment must be tried by our people. Let us, then, endeavor to make it as beneficial as possible, by electing our *best men* to carry out its provisions."[24] Yet by December of 1869, the Township Law was in deep jeopardy. Several memorials, or grievances, had been placed before the South Carolina Legislature to repeal, or at least suspend, the law for ten years. But the death blow was struck when Robert DeLarge, a prominent black legislator from Charleston, declared the law infeasable because of a lack of funds and introduced a Bill to abolish it.[25] He made no recommendation for a "Special Commissioner or a replacement system."

On January 20, 1870 the *Yorkville Enquirer* announced to the county that the Township Law had been repealed. Midst the happy news empathy was extended to the elected officers: "It will no doubt be a great trial for the selectmen, surveyors, clerks and constables, to be so summarily hurled from their lofty pre-eminence and reduced to the ranks again. The indefatigable energy with which these officers have discharged their laborious duties, entitles them to the thanks of the community. It is well known that they assumed their positions with reluctance, and we feel assured they will cheerfully surrender them for the public good. We trust that the affection of a grateful people will accompany them in their retirement from office, and that their names will be carefully handed down to an admiring posterity."[26]

Years later, a twentieth century South Carolina writer echoed the sentiments of many white Democrats who lived through the Reconstruction era.

> An "act to organize townships and to define their powers and privileges" was introduced in the Senate by D. T. Corbin, and duly became a law. It was but a copy of the statute of some Northern State--presumably Vermont, as Corbin had come thence to South Carolina. The act (of sixty-nine sections) embodied a most elaborate scheme of township government. Every township was made a body corporate, and provision was made for "town" meetings, each to be presided over by a "moderator." Every town was required to choose a town clerk, three selectmen, one or more surveyors of highways and one constable. The selectmen were made overseers of the poor, registers in town elections, general supervisors of the affairs the town and auditors of its accounts. They

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23   Ibid.

24   "The Township Elections," *Yorkville Enquirer*, 1 April 1869.

25   "The Township Law," *Yorkville Enquirer*, 9 December 1869.

26   "The Township Law Repealed," *Yorkville Enquirer*, January 1870.

were charged with the repair and maintenance of highways, and might levy taxes therefor. The surveyors, in addition to duties as such, were the "warners" to call out the road-working gangs, and to those officers the selectmen were to depute that work. The pay of the selectmen was fixed at $1.50 per day, of the clerk the same, and of the surveyor fifteen cents per hour. This law as soon found to be so utterly inapplicable to conditions in South Carolina that it was summarily repealed--this by the act of January 19, 1870. The manifest object of the measure was to create a multitude of offices to be filled by negroes--for negroes would have controlled well-nigh every "town" [or township] meeting.[27]

There is no evidence that any of the offices (at least in York County) were "filled by [any] negroes."

Although the ultimate defeat of the township plan may be attributed to a lack of funds to support the system, it would have functioned far less efficently in the South than it did in the North. This type of goverment had worked well enough in New England with its clusters of population. But nearly of all York County -- as well as most of the South -- was extremely rural, and few of the townships in the county had any real seat of population. In fact, few of the county's townships contained more than a cross-roads store and post office.

While the initial goal of the 1868 Township Law was not met, townships in name were not completely abolished by the succeeding government of white Democrats, as would have been expected from the ruckus raised by the local citizens. Indications are that township boundaries continued to be used for years for establishing voting precincts, schools, highway districts and to designate the location of land.[28]

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[27] John S. Reynolds, Reconstruction in South Carolina, (Columbia, SC,, 1905), p. 116.

[28] Jane Boroughs Morris, Pickens: The Town and The First Baptist Church, (Pickens, SC, 1991) p.13. Voting on the fence law in 1877-1880 was done in York County by township.