

ACTS

OF

THE GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED IN

DECEMBER, 1850.

Exchange Duplicate, L. C.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY, IN CONFORMITY WITH THE STATUTES
AT LARGE, AND DESIGNED TO FORM A PART OF THE TWELFTH VOLUME,
COMMENCING WITH THE ACTS OF 1850.

COLUMBIA, S. C.
FROM THE STEAM-POWER PRESS OF I. C. MORGAN,
STATE PRINTER.
1850.

Domini one thousand eight hundred and forty-one, entitled "An Act to Incorporate certain Villages, Societies and Companies, and renew and amend certain Charters heretofore granted, and to establish the principles on which Charters of Incorporation shall hereafter be granted." And the Town Council of "Totness" are hereby further authorized and empowered to assess and levy a tax on such property, real and personal, as may be within the corporate limits aforesaid, within their discretion : *Provided*, that the entire amount to be levied shall at no time exceed one hundred and fifty dollars. The aforesaid Charter shall continue for seven years, and until the end of the session of the Legislature next following.

A. D. 1850.

Taxes.

Proviso.

Duration of Charter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the Sovereignty and Independence of the United States of America.

ROBT. F. W. ALLSTON, *President of the Senate.*

JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO INCORPORATE THE NEW CHARLESTON WATER COMPANY. 4013.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joshua Lazarus, H. W. Conner, M. C. Mordecai, Henry Gourdin, O. Mills, G. S. Cameron, Robert Martin, Joseph Prevost, and their associates and successors, shall be, and they are hereby incorporated and declared a body politic and corporate; shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary bye-laws not repugnant to the laws of the land, and to have succession of officers and members conformably to such bye-laws, and to sue and be sued, implead and be impleaded in any Court of Law or Equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities which are incident to bodies incorporate.

II. That said Company shall have full power and authority to take, hold and convey water from any point on or near the Edisto river, or any other river, springs or other sources within sixty-five miles of the City of Charleston, into and through the said city, with the consent of the City Council of Charleston first had and obtained, and shall have full power and authority to make canals, lay conduits or tunnels for the conveyance of the said water, through, under, and along any highway in the country adjacent, or any street or streets, lane or lanes, alley or alleys of the City of Charleston, for the purpose of conveying and distributing said water; and the said conduits, canals or tun-

Incorporating Section.

Powers conferred.

A. D. 1850.



Amount of
shares & cap-
ital.

nels, from time to time to renew and repair, and for such purposes, to dig, break up and open, at their own expense, all or any part of such high-ways, streets, lanes and alleys, and of the middle or side pavements thereof, leaving at all times a sufficient passage for carriages, horses and foot passengers, and restoring forthwith to their former condition, all such high-ways, streets and alleys, and the pavements thereof, as may be at any time so dug, opened, or taken up. And the said Company shall have full power and authority to erect such buildings, and to hold such real and personal estate, as may be requisite and proper to carry on the business aforesaid. And the said Corporation shall have power to raise, by sub-
scription, in shares of fifty dollars each, a capital of five hundred thousand dollars, with the privilege of increasing the same to three millions of dol-
lars, if so much be deemed proper, and the said Corporation shall not go into operation, nor the rights, privileges and franchises hereby granted, at-
tach, until the sum of fifty thousand dollars shall have been actually paid in, in gold or silver coin, or the current notes of the incorporated Banks of this State, and an oath or affirmation thereof shall have been made by the President, Treasurer, and a majority of the Board of Directors of the said Company, and recorded in the office of the Secretary of State at Charleston, and shall have been published in at least two respectable newspapers in the said city.

Reservoirs,
&c., to be es-
tablished.

III. That the said Company shall have full power and authority to establish reservoirs and public fountains in such parts of the streets and squares of the said city, with the consent of the City Council of Charleston first had and obtained, or adjacent thereunto or elsewhere, to be connected with the works, as they may think proper, and to grant to all persons whomsoever, and to all bodies politic and corporate, the privilege of using the said water, to be introduced in such a manner, and on such terms and conditions, and in quantities respectively, as they shall think fit. And the said water so to be introduced, together with all reservoirs, canals, tunnels, engines, buildings and machines, to be by them made and used for the purpose of introducing, raising and distributing the said water, to hold to them, their successors and grantees forever, as their sole and exclusive property.

Shares deem-
ed personal es-
tate.

IV. That the said shares in the capital stock aforesaid, of the said Corporation, shall be deemed personal estate, and be transferable only on the books of the said Corporation. And no part of the said capital shall, at any time, or under any pretence whatever, be loaned to or divided amongst the Stockholders, until all the liabilities of the said Corporation have been lawfully paid, nor shall any dividend or dividends be at any time declared, except of the clear earnings and profits of the said Com-
pany.

V. That if the proprietor of any share shall neglect or refuse to pay instalments assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the Company may, by order of the Board of Directors thereof, sell, by public auction, a sufficient number of any shares held by such defaulter, to pay all instalments then due by him, together with the necessary and incidental charges. And the Treasurer shall give notice of the time and place of such sale, and of the sum due on each share, by advertising the same, for two successive weeks previous to such sale, in some newspaper in the City of Charleston, and a bill of sale of the shares so sold shall be made by the Treasurer of the Company to the purchaser thereof, who shall thereupon be entitled to have the same transferred to him on the books of the Company, and shall be liable for all future instalments on the stock he may purchase.

A. D. 1850.

Overdue Instalments—how to be obtained.

VI. That the said Joshua Lazarus, H. W. Conner, M. C. Mordecai, Henry Gourdin, O. Mills, G. S. Cameron, Robt. Martin, Joseph Prevost, may open books and take subscriptions for the capital stock of the said Company, in such manner as they may deem expedient, and whenever such subscription shall amount to the sum of one hundred thousand dollars, the Stockholders having had two weeks notice, in writing, or in one of the public newspapers in the City of Charleston, may meet and proceed to elect a President, Treasurer and Board of Directors, or such other officers as they may deem necessary for organizing the said Company and conducting the affairs thereof. And the said Board of Directors shall continue in office until their successors shall have been duly elected, and until otherwise provided by the bye-laws of the said Corporation, shall have power to dispose of the residue of the capital stock of the said Company not subscribed for in such manner and at such time as they may deem fit. And at the said election of officers, and at all meetings of the said Company, every Stockholder shall be entitled to one vote for every share held by him. That the Directors shall submit to the Stockholders, annually, a written statement under oath or affirmation of the Treasurer of the Corporation, setting forth the amount of the capital stock paid in, and of the general assets of the said Company.


Subscriptions.

Election of officers.

Directors to report to stockholders.

VII. That if any person or persons shall wantonly, negligently, or maliciously divert the water, or any part thereof, of any ponds, streams, springs, or water sources which shall be taken by the said Company in pursuance of the provisions of this Act, or shall corrupt the same, or render it impure or offensive, by mingling other substances with it, or by washing or swimming in it, or by erecting any privy or other nuisance near it, or by any other means whatsoever or shall injure or destroy any dam, aqueduct, pipe, conduit, hydrant, machinery, or other property held, owned or used by the said Company, by the authority and for the purposes of this Act, any such person or persons shall forfeit and pay to the

Penalties.

A. D. 1850.  said Company treble the amount of damages sustained by any such injury, to be recovered by action on the case. And any such person or persons shall moreover be deemed guilty of a misdemeanor, and may, on indictment and conviction thereof, be punished by fine, not exceeding five hundred dollars, and imprisonment not exceeding one year, at the discretion of the Court.

What Courts have jurisdiction. VIII. That any such action or complaint by the said Company, against any person or persons whomsoever, on account of, or grounded on a trespass or injury done to the said works, or any tunnels, conduits, canals, water courses, pipe, hydrant, machinery, or other property of the said Company, or appertaining to the same, shall, in every instance, be held and deemed as transitory in its nature, and may be brought, sustained and tried in any Court in this State having jurisdiction in such like case; and nothing in this Act providing for the special remedies of the Company shall be construed to deprive them of the right, or impair the same, of bringing any suit in Law or Equity, to which they would otherwise be entitled.

City Council of Charleston—right to purchase, &c. IX. If the City Council of Charleston shall at any time, within twenty years after the Water-works shall go into operation, desire to purchase the same, they shall have the right to do so upon the following terms: That is, upon providing for the payment to the Company, within such time as may be agreed on between the parties, of the amount actually paid in and expended, and such additional sum as will, when added to the annual receipts of the said Company, over and above the actual annual expenditures, make up the sum of ten per cent. annually upon the Capital Stock actually paid in and further—a premium graduated at the following rates, namely: If within five years, a premium of twenty-five per cent. upon the amount of Capital Stock as aforesaid paid in and expended by said Company. If after five years and within six years, nineteen per cent; if after six and within seven, eighteen per cent: thus reducing the amount of premium to be paid by the said City Council of Charleston, one per cent. for every year beyond five years; that the said Water-works shall remain in the possession of the said Water-works Company, so that, if not taken within the twentieth year, the premium to be paid, shall be five per cent.

Terms. Term of charter, &c. X. That this Act shall continue in force for forty years, and no part of the Capital Stock, nor any of the funds of the Corporation, shall at any time during the continuance of this Charter, be used directly or indirectly in Banking operations, or for any other purpose whatever, inconsistent with this Act. That this Charter, and every thing contained therein, shall cease and determine, unless the Company shall have been duly

organized, and shall have actually commenced the work within three years from this date. A. D. 1850.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and in the seventy-fifth year of the Sovereignty and Independence of the United States of America.

ROBT. F. W. ALLSTON, *President of the Senate.*
 JAMES SIMONS, *Speaker House of Representatives.*

AN ACT TO CHARTER AND INCORPORATE ERSKINE COLLEGE, AT No. 4014.
 DUE WEST, IN ABBEVILLE DISTRICT.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Honorable John Belton O'Neal, A. Haddon, J. L. Ellis, Dr. Enoch Agnew, Dr. George W. Pressly, Dr. W. Anderson, Dr. J. W. Hearst, Dr. A. Chalmers, P. H. Bradley, W. H. Bradley, E. E. Pressly, Samuel Donald, D. O. Hawthorn, W. Wright, J. Hemphill, W. R. Hemphill, J. Lindsay, J. J. Bonner, J. C. Chalmers, J. L. Young, J. Boyce, D. Lesley, J. Galloway, R. C. Greer, J. R. Wilson, J. Pratt, John Walker, H. A. Jones, A. C. Hawthorn and J. M. Young, and their successors in office, be, and they are hereby created and constituted a body politic and corporate, by the name and style of "The Trustees of Erskine College," a seminary of learning, situated at Due West, in Abbeville district, in the State of South Carolina, and as such, and by said name of The Trustees of Erskine College, shall be capable and liable in Law and Equity, to sue and be sued, to plead and be impleaded, to use a common seal, and to make such bye-laws and rules for the regulation and government of said College, as they may deem necessary; *Provided* said bye-laws and rules be not repugnant to the Constitution and Laws of this State, or of the United States.

II. That the said Board of Trustees are, and shall be authorized, to appoint such officers as they may think necessary and proper for the organization and government of their own body, and also all the officers, professors, tutors and instructors, of and in said College; *Provided*, that the Associate Reformed Synod of the South, or any other assembly to which said Synod may transfer its authority, shall have the power of confirming or annulling such appointments, and of exercising a general control and supervision over the officers, affairs and government of said College.

III. That the said Board of Trustees shall have power and authority to confer and award all such distinctions, honors, licenses and degrees.

Incorporating
Section.

Trustees.

Appointment
of officers, &c.

Proviso.

Honors, &c.
may be granted.