

THE  
STATUTES AT LARGE  
OF  
SOUTH CAROLINA.

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Volume XIII,

CONTAINING THE

Acts from December, 1861, to December, 1866.

ARRANGED CHRONOLOGICALLY.

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A. D. 1866.

and pay a fine not exceeding fifty dollars, and be imprisoned not exceeding three months, at the discretion of the Court before which such conviction shall take place, besides being liable to said company in a civil action for all damages done to the canal.

Term of charter 30 years.

XII. This Act shall be deemed a public Act, and continue in force for the term of thirty years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 4833. AN ACT TO INCORPORATE MOUNT PISGAH BAPTIST CHURCH, IN ANDERSON DISTRICT.

Mount Pisgah Baptist Church in Anderson District, incorporated 21 years.

Powers, rights and privileges of.

*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 Simeon Smith, Ezekiel Long, Ezekiel Murphy, Joshua J. Jamieson and James F. Wyatt, Trustees of Mount Pisgah Baptist Church, in Anderson District, and their successors in office, together with the officers and members of said Church, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of "Mount Pisgah Church," and by that name shall have succession of officers and members, according to their by-laws; may sue and be sued, plead and be impleaded in any of the Courts of this State; may retain, hold and enjoy all such estate, real and personal, as they now have, or may hereafter acquire; and the same alien and convey at will, and generally have and execute all such rights, powers and privileges as are properly incident to such corporations, for the term of twenty-one years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

No. 4834. AN ACT TO INCORPORATE THE CHARLESTON WATER COMPANY, IN THE CITY OF CHARLESTON, STATE OF SOUTH CAROLINA.

Incorporation of company.

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 Theodore Stoney, W. C. Corrie, A. S. Taylor, and their associates and successors, shall be, and they are hereby, incorpo-

rated and declared a body politic and incorporate; shall have power to make, use, have and keep a common seal, and the same, at will, to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members conformably to such by-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 other bodies incorporate.

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 Rights and powers of.

Liabilities of.

II. That said company shall have full power and authority to take, hold and convey water from any point from any river, creek, 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, build dams, erect locks, lay conduits or tunnels for the conveyance of said water through, under or 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 canals, locks, dams, conduits or tunnels from time to time to renew or repair, and for such purpose to dig, break up, and open at their own expense all and any part of highways, 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 highways, streets, lanes and alleys, and the pavements thereof, as may at any time be taken up, opened or dug, 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 full power to raise, by subscription, in shares of twenty-five dollars each, a capital of five hundred thousand dollars, with the privilege of increasing the same to five million dollars, if so much be deemed proper, and the said corporation shall not go into operation, nor the rights, privileges and franchises hereby granted attach, until the sum of fifty thousand dollars shall have been actually paid in cash, and an oath or affirmation thereof shall have been made by the President, Treasurer, and a majority of the Board of Directors of said company, and recorded in the office of Secretary of State at Columbia, and shall have been published in at least two respectable newspapers in the city of Charleston. And the said corporation may, by purchase or otherwise, take and hold any land necessary for the establishment of their works, and also all private rights of way, water courses, or other easement which may be on or along the route through which such canals, locks, dams, conduits or tunnels shall pass, and may conduct such canals, locks, dams, conduits or tunnels over or through any public road, river, creek, water course, or waters, that may be on the route, but in such manner as shall not obstruct the passage of the public road or navigation of the stream. Lands or private rights of way for canals, locks, dams, conduits or tunnels, which cannot be purchased from the owner for want of agreement, or from any other cause, may be taken by the company at a valuation to be made by Commissioners appointed by the Court of Common Pleas of the District in which any part of the

Power to convey water with consent of City Council.

Capital of company, with power to increase.

Not to go into operation until conditions are complied with.

May purchase and hold lands.

May take lands at a valuation made by.

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Commissioners

Duties of said  
CommissionersEither party  
may appeal,  
and how.Work may be  
continued pen-  
ding appeal.How the land  
shall be valuedCertain prop-  
erty not to be  
taken or in-  
vaded.Construction  
of title in ab-  
sence of written  
contract.Limitation  
and Proviso.Liability of  
parties for cost.

land or right of way may be situated. The Commissioners, before acting, shall be sworn before some Magistrate, faithfully and impartially to discharge the duties assigned them. Their proceedings, accompanied with a full plat and description of the land, shall be returned under their hands and seals to the Court from which the commission issued, there to remain of record. Either party may appeal from this valuation, at the next session of the Court granting the commission, giving fifteen days' notice to the opposite party of such appeal; and the Court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and the verdict shall be final and conclusive, unless a new trial be granted, and the land or right of way, so valued by Commissioners or jury, shall vest in the company, in fee simple, so soon as the valuation be paid, or tendered and refused. The pendency of an appeal by either party from the valuation of the Commissioners shall not prevent the company from proceeding in the construction of their works in or upon the land or right of way; but if the appeal be made by the company, it can proceed only upon giving the opposite party a bond with good security, to be approved by the Clerk of the Court, where the valuation is returned, in a penalty of double the valuation conditioned on payment of the valuation and interest in case the valuation be sustained, and for payment of the valuation made by the jury, and sustained by the Court, in case it be reversed. In all such assessments made by the Commissioners or jury, after the construction of the works or appurtenances upon the land, reference shall be had to the true value of the land at the time the construction was begun. The land covered by said works, and the space of twenty-five feet on each side, shall be deemed in actual possession of the company. A majority of the Commissioners shall be competent to perform the duties required of them in this Section. Nothing in this Act contained shall authorize the company to take or invade, without the consent of the owner, any dwelling houses, yard, garden, graveyard or ornamental trees. In the absence of any written contract between the company and the owner of the land through which the works have been constructed, it will be presumed that the land required and occupied by the company, with twenty-five feet on each side, has been granted to the company by the owner, and the company shall have good right and title to it, and shall hold it, unless the owner, or some one claiming under him, shall apply for an assessment of the value of the land as before directed, within five years after the construction of the work on or through said land, if within that time no application be made for assessment by the owner, or some one claiming under him, her or they, shall be barred forever from recovering the same or having any compensation, but this limitation shall not affect the right of *feme covert*s, infants or lunatics, until two years after the removal of their several disabilities: *Provided, nevertheless,* That should the Commissioners aforesaid, or jury, upon appeal as aforesaid, give any compensation in damages to the owner or owners of any land or private rights of way taken and occupied as aforesaid, by the Charleston Water Company, the said company shall be held liable for the costs of the proceedings; and should such owner or owners, as aforesaid, fail to recover any compensation as aforesaid,

from said company, that such owner or owners shall, in like manner, be liable for the costs of the proceedings, and either party may enforce, by execution, the collection of the costs aforesaid.

III. That the said company shall have full power and authority to establish reservoirs and 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 extend to all persons whomsoever, and to all bodies politic and corporate, the privilege of using said water, to be introduced in such manner, and on such terms and conditions, and in quantities, respectively, as they may think fit, and the said waters, so to be introduced, together with all reservoirs, canals, dams, locks, conduits, tunnels, engines, buildings and machines, to be by them made and used for the purpose of introducing, raising and distributing said water, to hold to them, their successors and grantees forever, as their sole and exclusive property.

IV. That the said shares of the capital stock aforesaid of the said corporation shall be deemed personal estate, and be transferable only on the books of said corporation; and no part of the said capital shall, at any time, or under any pretense whatever, be loaned to or divided among the stockholders until the liabilities of the said corporation have been lawfully paid, nor shall any dividends be at any time declared, except of the clear earnings and profits of the said company.

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, 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 of the stock he may purchase.

VI. The said Theodore Stoney, W. C. Corrie, A. S. Taylor, and their associates, 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 of the city of Charleston, may meet and 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 by-laws of the said corporation, shall have power to dispose of the residue of the capital stock of said company not subscribed for in such manner and at such time

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May establish reservoirs and fountains in the city with consent of the City Council.

Capital stock shall be deemed personal estate.

Dividends.

Instalments, not paid when assessed.

When may be sold and how.

Liability of purchasers.

Corporators may open books of subscription.

May elect officers of company.

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 Scale of votes.  
 Duty of Directors.

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 capital stock paid in, and of the general assets of the said company.

Offenses committed punishable.

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 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 nuisance near it, or by any other means whatever, or shall injure or destroy any dam, lock, 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 the said company treble the amount of damages sustained by such injury, to be recovered by action on the case. And any such person or persons shall moreover be deemed guilty of 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.

How action may be brought for trespass or injury.

VIII. That any such action or complaint by said company against any person or persons whomsoever, on account of, or grounded on a trespass or injury done to the said work, or any tunnels, locks, dams, conduits, canals, water courses, pipes, hydrants, machinery or other property of 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 of this State having jurisdiction in such like case. And nothing in this Act providing for special remedies of the said 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 may purchase the Water Works.

Terms of purchase.

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 actual 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 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 years, and within seven years, 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 pos-

session 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.

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X. That nothing in the foregoing Act shall, in any way, interfere with the privileges accorded to the Edisto and Ashley Canal Company.

Not to interfere with Edisto and Ashley Canal Company

XI. That this Act shall continue in force for twenty-one 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 purposes whatever, inconsistent with this. That this charter, and everything contained therein, shall cease and determine, unless the company shall have been duly organized, and shall have actually commenced the work within one year from this date.

Charter to continue for twenty-one years.

Banking, &c., prohibited.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

AN ACT TO INCORPORATE THE SOUTH CAROLINA LOAN AND TRUST COMPANY. No. 4835.

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 George S. Cameron, J. M. Blakely, Archibald S. Johnston, J. K. Robinson, L. D. Mowry, J. C. Farrar, and such other persons as may hereafter be associated with them, and their successors and assigns, are hereby constituted a body corporate, under the name of the South Carolina Loan and Trust Company, and by that name shall have succession, and may sue or be sued in any Court whatever, with such powers and privileges as are hereinafter provided.

South Carolina Loan and Trust Company incorporated.

Powers and privileges of.

II. *Be it further enacted*, That the capital stock of said company shall not exceed five millions of dollars, divided into shares of one hundred dollars each; but when two hundred thousand dollars thereof shall have been actually subscribed, and one hundred thousand dollars paid in, in cash, the said company may organize and proceed to business under this Act.

Capital Stock.

When Company may organize.

III. *Be it further enacted*, That the said company shall have power to make advances to planters for the purpose of developing the agricultural interests of the State, upon loans, mortgages, or part interest in the crops to be raised, to receive deposits of money and other valuables, and issue receipts for the same; to buy and sell bonds, bills of exchange and promissory notes, and advance and loan moneys, securities and credits, and may charge and receive,

May make advances to Planters on certain terms for certain purposes.

May charge commissions in addition to interest.