

ACTS AND JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED AT THE

REGULAR SESSION OF 1881-82.

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AT LARGE, COMMENCING WITH THE ACTS OF 1879.

COLUMBIA, S. C.
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1882.

AN ACT TO AUTHORIZE THE CANAL COMMISSION TO TRANSFER AND DELIVER TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PENITENTIARY THE PROPERTY KNOWN AS THE COLUMBIA CANAL, WITH THE LANDS HELD THEREWITH AND ITS APPURTENANCES, AND TO DEVELOP THE SAME.

A. D. 1882.
No. 604.

SECTION 1. *Be it enacted* by 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 the Canal Commission, appointed by and under an Act entitled "An Act to authorize and empower the appointment of a Commission to control and direct the development and disposal of the property of the State, known as the Columbia Canal, and its appurtenances," approved March 12, 1878, be, and they are hereby, authorized and directed to transfer and deliver to the Board of Directors of the South Carolina Penitentiary the property known as the Columbia Canal, together with the lands held therewith, and all and singular the rights, members, and appurtenances thereto belonging, which was acquired under and by virtue of the Act above entitled, and the contract by them entered into with Sullivan Fenner, in pursuance of said Act, on the 25th day of September, A. D. 1878: *Provided*, That nothing herein contained shall authorize any action by the Canal Commission until a release has been executed to the State of all the right, title, and interest in the property above described, of Messrs. Thompson & Nagle, or of any other parties holding any interest therein.

Canal Commission authorized to transfer Columbia Canal and appurtenances, &c., to Directors of Penitentiary.

Release to State of rights of all individuals must be made before any action is taken by Canal Commission.

SEC. 2. That the said Board of Directors are hereby authorized and directed, on behalf of the State, to take into their possession the said property, with its appurtenances; and for the purpose of providing an adequate water power for the use of the Penitentiary, and for the other purposes to be hereinafter named, they are authorized, empowered, and directed to improve and develop the same.

Authority to improve and develop canal.

SEC. 3. That in order to improve and develop the power of the said canal, they are authorized to construct a dam across the Broad River, at or below the head of the present canal, as by future surveys may be deemed most expedient for the better development of the said water power; and in locating and constructing the said dam, they shall have the right to raise the waters in the Broad River to such a height as will give a head and fall of thirty feet at the south side of Gervais Street, at mean low water; with the right to build all necessary banks,

To build dam across Broad River, and raise waters to give fall of thirty feet at Gervais street at low water.

A. D. 1882. abutments, and other structures, on both sides of said river, as may be required to complete the said dam; and the right is hereby given to widen and deepen the said canal throughout its length to the south side of Gervais Street, and to change the course thereof, in such manner as they may consider necessary for the better development of the said water power: *Provided*, That the said canal shall be so enlarged as to develop at least ten thousand horse power of water power at the south side of Gervais Street: *Provided, further*, That suitable fishways for the free passage of fish be constructed in said dam.

To widen and deepen canal and change its course.

Ten thousand horse power to be developed.

Fishways to be constructed.

SEC. 4. That the said Board of Directors shall have the right of way, and the same is hereby granted, in and along the said canal, for the construction and operation of the same; and if, in enlarging and developing the said canal, or in constructing the said dam, it become necessary to use the private property of any person or corporation for that purpose, the said Board of Directors, for the sake of the public improvement contemplated in the construction of the said canal, and the better navigation of the said Broad and Congaree Rivers, and the transportation of supplies to market, shall have the right to acquire such right of way in manner now provided by law.

Provision for acquiring right of way.

SEC. 5. That in the construction of the said dam, and the enlargement of the said canal, and in the performance of all other work necessary to the full development of the said water power, the said Board of Directors are authorized to use and employ the labor of the Penitentiary convicts, using for that purpose so many as in their judgment may be necessary; and the said Board of Directors are further authorized to expend in the employment of skilled labor and engineers, and for the purchase of machinery and materials, such an amount of the income of the Penitentiary, over and above amounts necessary for the support and maintenance of said institution, as may, in their judgment, be necessary for the proper execution of said work, not to exceed the sum of ten thousand dollars in any one year.

Penitentiary convicts to be employed in developing canal.

Not exceeding ten thousand dollars of income of Penitentiary to be expended per annum.

SEC. 6. That the said Board of Directors are authorized to furnish to the city of Columbia, for the purpose of operating its water works and other purposes, five hundred horse power of water power; and to Sullivan Fenner, under his contract with the Canal Commission, five hundred horse power of water power; and after reserving for the use of the Penitentiary a power sufficient to meet the demands of its ordinary operations, and other industries conducted and carried on within its walls, they are further authorized, with the Comptroller General, on

Five hundred horse power to be furnished to city of Columbia, and five hundred horse power to Sullivan Fenner, and whatever is needed to Penitentiary.

behalf of the State, to lease to other persons or corporations water power upon such terms, and at such annual rental, per horse power, as in their judgment may be proper; and also to lease such mill sites along the line of the said canal, as may be owned by the State, upon such terms as may be deemed most advantageous to the interest of the State.

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Directors of Penitentiary and Comptroller General to lease water power and mill sites to best advantage.

SEC. 7. And the said Board of Directors, and the Comptroller General, on behalf of the State, shall hold, manage, and control the said canal property, with its appurtenances, in connection with the South Carolina Penitentiary, and shall make annually, to the General Assembly, a report of their actings and doings under this Act, giving a detailed statement of their receipts and expenditures.

Directors of Penitentiary and Comptroller General to have charge of canal property and report annually to General Assembly.

SEC. 8. The said Board of Directors shall be paid the same per diem and mileage for their services under this Act as they may be allowed by law for Penitentiary service, to be paid out of the income of the Penitentiary.

Per diem of Directors.

SEC. 9. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Conflicting Acts repealed.

In the Senate House, the eighth day of February, in the year of our Lord one thousand eight hundred and eighty-two.

J. D. KENNEDY, President of the Senate.

J. C. SHEPPARD, Speaker House of Representatives.

Approved February 9th, A. D. 1882.

JOHNSON HAGOOD, Governor.

AN ACT TO INCORPORATE THE BELLEMONTE COTTON MANUFACTURING COMPANY. No. 605.

SECTION 1. *Be it enacted* by 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 D. James Winn, W. D. Blanding, A. S. Brown, H. Harby, Joseph H. Earle, R. P. Monaghan, and others, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of the Bellemonte Cotton Manufacturing Company, to be located on the tract of land near the corporate limits of the town of Sumter, in Sumter County, contiguous to the track of the Wilmington, Columbia, and Augusta Railroad Company, for the purpose of manufacturing,

Corporators.

Location of factory.