

Book, Statutes of South Carolina

THE
STATUTES AT LARGE
OF
SOUTH CAROLINA;
EDITED, UNDER AUTHORITY OF THE LEGISLATURE
BY
DAVID J. MCCORD.

VOLUME THE NINTH,
CONTAINING THE ACTS RELATING TO ROADS, BRIDGES AND FERRIES,
WITH AN APPENDIX,
CONTAINING THE MILITIA ACTS PRIOR TO 1794.

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Acts relating to Roads, Bridges and Ferries.

AN ACT TO APPOINT COMMISSIONERS TO LAY OUT AND MEND ROADS AND APPOINT FERRIES FOR THE PARISHES OF PRINCE GEORGE WINYAW AND PRINCE FREDRICK; AND TO EXPLAIN PART OF AN ACT ENTITLED "AN ACT FOR DIVIDING THE PARISHES OF SAINT PAUL'S, IN COLLETON COUNTY, AND PRINCE GEORGE WINYAW, IN CRAVEN COUNTY;" AND TO APPOINT A FERRY OVER SANTEE RIVER.

[The original of this Act is illegible. The following is copied from Grimke, p. 141.]

WHEREAS, it contributes greatly to the ease and advantage of the inhabitants of this Province, if proper roads and ferries are laid out and appointed in the several parts thereof; and it is absolutely necessary to alter several roads and make others new, and to appoint ferries, in the Parishes of Prince George and Prince Frederick, Winyaw, for the ease and advantage of all persons that have affairs to transact in the said parishes.

I. Be it therefore enacted, That _____ be, and are hereby appointed, commissioners of the high roads, for that part of the parish of Prince George Winyaw, commonly called by the name of Waccamaw Neck, which district shall be extended between the Waccamaw river and the sea, as far as the Province line.

II. III. IV. V. VI. VII. VIII. Obsolete.

IX. Be it enacted, That a ferry be established to pass over Santee river, either at the plantation of John Sullivants, or at Farewell's creek. (The rest of this clause obsolete.)

X. Obsolete.

XI. The commissioners of the parishes or districts on each side of San. tee river, are hereby empowered to summon the inhabitants of their several districts, to lay out and put in order the said roads or paths, in the most convenient places they shall think proper, to pass the said ferry over Santee river. Acts relating to Roads, Bridges and Ferries.

XII. The commissioners of the several districts of the parishes of Prince Frederick and Prince George, Winyaw, shall appoint ferries on such places over Black river and over Winyaw river, as the commissioners of the districts on each side of the said rivers where the ferry shall be appointed, shall think proper. (The rest of this clause obsolete)

XIII. And the commissioners are hereby empowered to lay out and as. sign one acre of land on each side of the river where the ferry shall be appointed, for the use of the said ferry. Provided, that the said commissioners do pay the owners or proprietors of such lands, the sum of ten pounds current money, for each acre, when the said owners or proprietors shall demand the same, except such ferry should happen to land within the fenced plantation or pasture of any person joining to the said river.

XIV. Obsolete.

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XV. And whereas, by an Act entitled "An Act for dividing the parishes of Saint Paul, in Colleton County, and Prince George Winyaw, in Craven County," among other things it is enacted, 'That the line which divideth the parishes of Prince George Winyaw and Prince Frederick's, shall go over Black river at the plantation of John Bogg, and from the said plantation of John Bogg, to be included in the town parish, in a due north line till you come to Peedee river;" which said Act has not sufficiently provided for the division of the parishes. Be it therefore enacted, That the said north line from John Bogg's plantation on Black river, to Peedee river, be extended due north, over Peedee river, until it comes to the utmost bounds of the Province; and that all that tract of land to the east of the said line between that and the sea, be deemed and accounted as part of the parish of Prince George Winyaw; and on the other side of the said line to the west, be deemed in the parish of Prince Frederick.

XVI. And whereas, there may disputes hereafter arise concerning which part of John Green's creek, mentioned in the said Act, shall be accounted the head thereof. Be it therefore enacted, That the line between the two parishes shall be run from Dubosk's, as is expressed in the said law; and from thence, as far as the tide rises, which shall be deemed the head of the said creek, and so down the said creek as the said law directs.

XVII. If any action or actions shall be brought or commenced against any of the said commissioners, or other persons, in any court of record in this Province, for any matter or thing done in pursuance of this law, it shall and may be lawful to and for the commissioner or other person, to plead the general issue, and give this Act and the special matter in evidence ; any law, usage or custom to the contrary notwithstanding.

PAUL JENYS, Speaker.
March 29, 1735.
ROBERT JOHNSON.

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Acts relating to Roads, Bridges and Ferries.

AN ACT FOR ESTABLISHING A ROAD FROM ORANGEBURGH BRIDGE TO INPIAN HEAD; A ROAD FROM THE INDIAN HEAP TO THE ROAD WHICH LEADS FROM THE RIDGE TO AUGUSTA; ANOTHER ROAD FROM THE RIDGE ROAD TO LONE CANE CREEK; ANOTHER ROAD FROM LONE CANE CREEK TO GREAT ROCKEY CREEK; AND ANOTHER ROAD FROM GREAT ROCKEY TO MOUNTAIN CREEK, NEAR CUFFEE TOWN; AND FOR DECLARING THE ROAD FROM ROBERT GOUDY'S, AT NINETY-SIX, TO THE RIDGE, AND FROM THENCE TO THE ROAD TO LEAD FROM THE INDIAN HEAP TO LONE CANE, A PUBLIC ROAD.

WHEREAS, several of the inhabitants living in the interior, and on the frontier parts of this Province, by their humble petition to the General Assembly, have set forth, that the petitioners labour under great disadvantage for the want of proper roads to be established and made public for the conveniency of conveying the produce of their lands to the market of Charlestown, and praying that a law may be passed to remedy the same. We therefore humbly pray his most sacred Majesty that it may be enacted, and

I. Be it enacted, by the Honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Council, and the Commons House of Assembly of the said Province, and by the authority of the same, That John Jennings, Philip Jennings, Johannes Wolf, John Pou and Henry Young, be, and they are hereby appointed, commissioners for laying out, making, and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to lead from the north side of Orangeburgh bridge, up the country, to place called the Indian Head. That Maurice Calleham, Aaron Sinquefield and Jesse Lott, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to be continued from the Indian, Head aforesaid, till it falls in or intersects a road which leads from a place called the Ridge to Augusta. 'That James Williams, Jeffery Williams, Samuel Anderson, Dr. Nicholas Frederick Mayer and **ROBERT BRYAN**, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to be run from the before mentioned road which leads from the Ridge to Augusta, to the Long Cane Creek. That William Calhoun, John Anderson, Elisha Laurence, John McKinley, William Harris, John Pickens, Jr. and Samuel Kerr, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required to lay out, make and keep in repair, a public road to lead from the Long Cane Creek to Great Rockey Creek, near the Cherokee Indian line. That, Andrew Williamson, Mathew Edwards, Andrew Pickens, Robert Miller, Aaron Smith, George Reid and Andrew Neale, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, 'empowered and required to lay out, make and keep in repair, a public road"*to, lead from the last mentioned road, to or near a place called Mountain Creek, near Cuffee Town, to the plantation of Andrew Williamson, at Hard Labour, and from the said plantation of Andrew Williamson, to be continued from thence to the plantation of Robert Miller, near the Cherokee Indian line.

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II. And be to further enacted by the authority aforesaid, That a road which now leads from the plantation of Robert Goudy, at Ninety-six, to the place called the Ridge, and from thence to the road which is hereby established to lead from the Indian Head to Long Cane Creek, be, and the same is hereby declared to be, a public road; and that Robert Goudy, John Savage, John Dooley, Benjamin Tutt and Colbert Anderson, be, and they are hereby appointed, commissioners for keeping the said road in repair.

III. And be wt further enacted by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years, living in the north and south forks of Edisto, and also all other persons living within ten miles of each side of the first mentioned road, leading from the north side of Orangeburgh bridge to the place called the Indian Head, shall be, and they are hereby, obliged to make the said road, and to keep the same in repair. And that all the male inhabitants, from the age of sixteen to sixty years, living within ten miles on each side of the other roads hereby directed to be laid out and made public, shall be, and they are hereby, obliged to make the said respective roads, and to keep the same in repair. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures as any persons by any Act of the General Assembly for making roads are.

IV. And be it further enacted by the authority aforesaid, That in case any of the commissioners by this Act named, or any of the commissioners by this Act appointed to be chosen, shall happen to die, depart the Province, or refuse to act, then it shall and may be lawful for the other com. missioners, or a majority of them, respectively, to choose another person or persons to be commissioner or commissioners, in the room of him or them so dying, departing the Province, or refusing to act. And the person or persons so chosen, shall be invested with and have the same powers and authorities as the other commissioners hereby nominated and appointed.

V. And be it further enacted by the authority aforesaid, That the commissioners herein named, and others to be appointed by them, respectively, or a majority of them, shall have, use and exercise all the powers and authorities, for putting this Act into execution, which are given to any commissioners of high-roads, and be subject to the same penalties as are inflicted on any commissioners of high-roads, by any Act of the General Assembly of this Province.

VI. And be it further enacted by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue, and to give this Act and the special matter in evidence; any law, usage or custom, to the contrary notwithstanding.

P. MANIGAULT, Speaker.

In the Council Chamber, the 1th day of April, 1770.

Assented to: WILLIAM BULL

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AN ACT FOR ESTABLISHING A ROAD FROM SLANN'S, DORCHESTER, OR BACON'S BRIDGE, TO WORT'S FERRY, AND FROM THENCE TO DIVERS OTHER PLACES, UNTIL IT SHALL INTERSECT THE ROAD LEADING FROM THE FERRY NEAR FORT MOORE TO CHARLESTOWN.

WHEREAS, the inhabitants living in the interior and on the frontier parts of this State, labour under great disadvantages for the want of proper roads through this State. And whereas, the Grand Jury of the district of Ninety-Six, have, by their presentment, requested that a law may be passed to remedy the same.

I. Be ut therefore enacted, by his Excellency Rawlins Lowndes, Esquire., President and Commander-in-chief in and over the State of South Carolina, by the Honorable the Legislative Council and General Assembly of the said State, and by the authority of the same, That George Ford, William Dewitt, Richard Walter, Benjamin Coachman, Jr., and Humphrey Sommers, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road to lead from Slann's, Dorchester, or Bacon's bridge, as the commissioners may think expedient, the best and most direct way to Edisto river, at or near Wort's terry. That William Mall, Joseph Cogger, Solomon Gray, John Ward, and James Cooper, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from the south side of Edisto river, opposite the last mentioned road, at or near Wort's ferry, to the plantation of Solomon Gray. That Lewis Box, Patrick Cain, Samuel Padgett, George Pettis, and Richard Blackledge, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from the plantation of Solomon Gray, aforesaid, to the plantation of Joseph Sykes. That George Robinson, Michael Odom, Henry Peoples, James Fair, and Joseph Turner, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from the plantation of the said Joseph Sykes, to or near the plantation of Michael Odom, and from thence by the best and shortest way, to or near the plantation of Elijah Maredi Baillie. That Francis Sinkfield, Benjamin Hatcher, Joel McClendall, Arthur Simkins, and Van Sweringham, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required; to lay out, make and keep in repair, a public road from or near the plantation of Elijah Maredi Baillie, aforesaid, by or near the pine-wood house, and from thence, by or near Charles Williams's old house, to Turkey creek. That John Purvis, **ROBERT BRYAN**, David Maxwell, William Perin, and Archibald Murray, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road from 'Turkey creek, aforesaid, by the nearest and best way, to the old wagon road below Ross's Mill, on Long Canes. That Colonel Andrew Williamson, James Harrison, Patrick Gibson, David Hunter, and Samuel Anderson, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and required, to lay out, make and keep in repair, a public road, from the old wagon road aforesaid, near the Indian Camp, by the nearest and best way, till the same shall intersect the road leading to Fort Independence, at or near Turkey creek. That Richard Thredway, David Green, David Zubly, Andrew Burney, and Thomas Lamar of Horse creek, be, and they are hereby appointed, commissioners for laying out, making and keeping in repair, and they are hereby authorized, empowered and

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required, to lay out, make and keep in repair, a public road, from New Windsor or Fort Moore's Bluff, into the road near the White Ponds, at the head of Tinker's creek. That George Whitefield, William Cannon, John Cowen, Mathew Briand, and John Berksdale, be, and they are hereby, authorized, empowered and required; to lay out, make and keep in repair, a public road, from the settlement above Fort Charlotte across Long Canes, below New Bourdeaux. That Hugh Middleton, William Tudor, Drury Pace, James Davis, and James Carson, be, and they are hereby, authorized, empowered and required, to lay out, make and keep in repair, a public road from Long Canes, down the ridge between Savannah river and Stevens's creek, to Carson's ford. And, that Colonel LeRoy Hammond, John Carter, John Hancock, William Covington, Jr.; and Captain John Hammond, be, and they are hereby, authorized, empowered and required, to lay out, make and keep in repair, a public road, from Carson's ford, aforesaid, to Bibbin's bridge; on Horse creek, and from thence, by the nearest and best way; until the same shall intersect the road which leads from the ferry near Fort Moore to Charlestown. .

II. And he it further enacted by the authority aforesaid, That all the male inhabitants, from the age of sixteen to sixty years, living within five miles of each of the roads hereby directed to be laid out and made public, except from Sykes's to Meredi Baillie's, and from Sykes's to Meredi Baillie's, within fifteen miles on each side of the said road, shall be, and they are hereby, obliged to make the said respective roads, and keep the same in repair, according to the laws and usages of this State. Provided, always, nevertheless, that nothing in this Act contained shall oblige any person or persons who shall reside on the opposite side of any river to any of the said roads, to work on the same; _ but all and every such person and persons is and are hereby exempted from working on the same, although he or they may reside within five miles of any of the said roads. And provided also, that no person who shall live within five miles of any of the respective roads above directed to be laid out, and also, within five miles of any other public road, shall be obliged to work on both roads; but in all and every such case and cases, the commissioners of the said roads, respectively, shall cause one half the male inhabitants who shall be thus situated and liable to work on the said roads, to work on the road or roads on which they are now liable to labor; and the other half of the said inhabitants to work on such of the road or roads they are respectively obliged to work on and keep in repair by this Act. And in case any of the inhabitants obliged by this Act to work on the said roads, shall neglect or refuse to do the same, they, and every of them, shall be liable to the same fines and forfeitures and modes of recovery, as any persons by any Act of the General Assembly for making roads are.

III. And be it further enacted by the authority aforesaid, That in case any of the commissioners by this Act named shall happen to die, depart this State or refuse to act, then it shall and may be lawful for the other commissioners, or a majority of them, respectively, to choose another person or persons to be commissioner or commissioners, in the room of him or them so dying, departing this State or refusing to act; and the person or persons so chosen, shall be invested with and have the same powers and authorities as the other commissioners hereby nominated and appointed.

IV. And be it further enacted by the authority aforesaid, That the commissioners herein named, and others to be appointed by them, respectively, or a majority of them, shall have, use and exercise, all the powers and authorities for putting this Act into execution, which are given to any commissioners of high roads, and be subject to the same penalties as are inflicted on any commissioners of high roads, by any Act of the General Assembly of this State.

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V. And be it enacted by the authority aforesaid, That so much of an Act, passed the seventh day of April, one thousand seven hundred and seventy, as establishes a wagon road from the Indian Camp to the Long Cane Road below Cuffeetown, be, and the same is hereby declared to be, repealed and made null and void, to all intents and purposes whatsoever.

VI. And be it further enacted by the authority aforesaid, That in case any of the said commissioners, or any other person or persons acting under their authority, shall be sued or prosecuted for any matter or thing by them to be done by virtue of or in pursuance of the directions of this Act, it shall and may be lawful to and for the said commissioners, and other persons so sued or prosecuted, to plead the general issue and give this Act and the special matter in evidence; any law, usage or custom to the contrary notwithstanding.

HUGH RUTLEDGE, Speaker of the Legislative Council.
THOMAS BEE, Speaker of the General Assembly.

In the Council Chamber, the 9th day of October, 1778.

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