

into the manner and the causes of the death of the person so buried, and in case the body hath been so long deceased and endamaged by ill keeping, or lain so long buried that it cannot be known how it came by his death, the coroner shall then make a record of the same, together with the names of the persons that buried and caused to be buried the dead body, and shall return the same into the next court of general sessions to be holden for this Province, that so the persons offending in burying the dead body without first sending for the coroner to view the same, may be fined at the said court over and above the forfeitures of the £.5 as above mentioned.

A. D. 1706.
N^o. 255.

X. If any person in this Province shall be bit with a rattle-snake, and shall die suddenly and immediately of such bite, such death shall be deemed a violent and untimely death, and the coroner shall have a view of such body, and make enquiry thereon as of any other body that came to any other violent or casual death.

A person dying by the bite of a Rattlesnake, the coroner shall view the Body.

XI. Every coroner of this Province, for that county for which he is appointed, shall be and is hereby impowered to serve and execute all writs and processs directed unto him against the marshal of this Province, in that county wherein the marshal dwelleth, and also in all causes wherein the marshal is plaintiff, in that county where the plaintiff dwelleth, against whom such writs or other process is directed, and the coroner shall have the like fees for serving of writs or other process in civil cases, as is allowed by the laws of this Province unto the marshal.

The coroner shall execute all writs against the marshal, and against others where the marshal is plaintiff.

XII. All the fines and forfeitures mentioned in this act not exceeding the sum of 40s. shall be recovered, prosecuted, adjudged, levied and distrained by warrant from any one justice of the peace of this Province, as in the act for the trial of small and mean causes, is directed, and the same being so recovered, shall be paid to the Lords receiver-general, and all the fines and forfeitures mentioned in this act exceeding the sum of 40s. shall be sued for and recovered by the respective coroner of the county, or any other person by action of debt, suit, bill, plaint or information in any court of record in this Province, wherein no essoign, protection, privilege, injunction or wager of law, or stay of prosecution shall be admitted and allowed, one half to the informer, and the other to be paid to the Lords proprietors receiver general.

The fines and forfeitures in this act, how to be recovered.

XIII. If any action, plaint, suit or information shall be commenced or prosecuted against any person or persons for what they shall do in pursuance or execution of this act, such person or persons so sued, may plead the general issue of not guilty, and upon issue joined may give this act and the special matter in evidence, and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him, the defendant shall recover their treble cost, for which they shall have the like remedy as in any case where costs by law are given to the defendants.

Persons sued may plead the general issue, and recover treble costs.

April 9, 1706.

N. Johnson, (L.S)
Robert Gibbes, (L.S)
James Moore, (L.S)
Nicholas Trott, (L.S)
Henry Noble. (L.S)
Benj. Barons. (L.S)

An Act for the establishment of Religious Wor-
ship in this Province, according to the Church of
England; and for the erecting of Churches for
the public Worship of God; and also for the main-
tenance of Ministers, and the building conveni-
ent Houses for them.

A. D. 1706.
N^o. 258.

I. Obsolete.

II. Whereas it is necessary, and for the better accommodation and conveniency of the inhabitants of this Province, that the same be divided into the parishes, and the bounds of the several

The Province divided into ten parishes.

A. D. 1706.
N^o. 258.

Charles-Town
and part of the
Neck a distinct
parish.

Called St. Phi-
lip's Charlef-
town.

Berkley county
divided into six
more parishes.

1 Christ Church.

2 St. Thomas.

3 St. John's.

4 St. James.

5 St. Andrew's.

6 St. Dennis, the
French settle-
ment.

Colleton county
divided into two
parishes.

1. St. Paul's.

2. St. Bartholo-
mew's.

Craven county
one Parish.

Called St.
James's on San-
tee river.

No Minister to
marry contrary
to the table of
marriages.

No layman to
marry.

Table of Mar-
riages to be pro-
vided and set up.

The fines and
forfeitures in this
act how to be re-
covered.

Persons may
plead the gene-
ral issue and re-
cover treble
costs.

several parishes ascertained. *Be it therefore Enacted* that Charles-Town, and the neck between Cooper and Ashley River, as far up the neck as the plantation of John Bird Gent: on Cooper River inclusive, and the plantation of Christopher Smith Esq; on Ashley River inclusive, is and shall for ever be a distinct parish of it self, and be called by the name of the parish of St. Philip's in Charles-Town.

III. And Berkly county shall be divided into six more parishes besides Charles-Town, that is to say, One upon the South-East of Wandoe River, which shall be called by the name of the parish of Christ-Church; one upon that neck of land lying on the North-West of Wandoe, & South-East of Cooper River, which shall be called by the name of St. Thomas; One upon the western branch of Cooper River, which shall be called by the name of St. John's; one upon Goose-Creek, which shall be called by the name of St. James Goose-Creek; one upon Ashley River, which shall be called by the name of St. Andrew's; and one in the Orange quarter, for the use of the French settlement there, which shall be called by the name of the parish of St. Dennis.

IV. And Colleton county shall be divided into two parishes, that is to say one on the South side of Stono River, to extend to the North side of South Edisto, which shall be called by the name of St. Paul's; and the other on the North of St. Helen's, which shall be called by the name of St. Bartholomew.

V. And one parish shall be erected in Craven county, in that part of it which is commonly known by the name of the French settlement on Santee river, and the church which is now built in James Town in the said settlement, or any new church hereafter to be built or erected in the said place instead thereof, is hereby made, enacted and declared to be the parish church of St. James on Santee river, and shall be and continue so for ever, in all things as the other parishes erected in this Province are or ought to be:

XXVI. And to prevent all illegal and unlawful marriages, not allowed by the church of England, but forbidden by the table of marriage; *Be it Enacted* that no Minister in this Province, knowing the same, shall presume to join together in marriage, any persons whatsoever, contrary to the table of marriages, by this act appointed to be set up in every parish church within this Province, under the penalty of £. 100 nor shall any person forbidden to marry by such table of marriage, presume to be joined in marriage, under the penalty of £. 50 or 12 months imprisonment.

XXVII. And no justice or magistrate, being a layman, shall presume to join any persons in marriage, under the penalty of £. 100 current money of this Province, to be recovered and disposed of, as hereafter in this act is directed.

XXXIV. The respective vestries of each parish, with all convenient speed, and within 12 months at most, after the ratification of this act, shall procure a fair table of marriages, transcribed, and set up in their respective churches, and the same keep continually in the said church, that persons being thereby informed what marriages are forbidden, may avoid the contracting of any such unlawful marriages.

XLI. All the fines and forfeitures mentioned in this act, that do not exceed the sum of 40s. shall be recovered, prosecuted adjudged, levied and distrained by any one justice of the peace in this Province, as in the act for the trial of small and mean causes is directed; and the same being so recovered, shall be paid to the church-wardens of that parish where the person inhabits, against whom the forfeiture is recovered, to be disposed of toward the defraying the public charges of the said parish. And all the fines and forfeitures mentioned in this act, exceeding the sum of 40s. the half of such fines and forfeitures shall be paid into the hands of the church-wardens of the parish where the person inhabits against whom the forfeiture is recovered, to be disposed of towards the defraying the public charges of the said parish, as the commissioners above named, or the major part of them, that shall meet upon public summons, shall order and direct; and the other half to him or them that will sue for the same, by action of debt, suit, bill, plaint or information, in any court of record in this Province, wherein no esloign, protection, privilege, injunction, or wager of law, or stay of prosecution by *non vult ulterius prosequi*, or otherwise, shall be admitted or allowed.

XLII. If any action, plaint, suit or information shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or execution of this act, such person or persons so sued, may plead the general issue of not guilty, and upon issue joined, give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him, the defendant or

defendants

defendants shall recover his or their treble costs, for which they shall have the like remedy as in any case where costs by law are given to the defendants. *

A. D. 1706.
N^o. 258.

Novemb. 30, 1706.

An additional Act to an Act entitled, † an Act for the Establishment of religious Worship in this Province, according to the Church of England, and for erecting of Churches for the public Worship of God, and also for the Maintenance of Ministers and the Building convenient Houses for them.

A. D. 1708.
N^o. 284.

WHEREAS by an act of assembly of this Province duly ratified in open assembly the 30 day of November in the year of our Lord 1706, entitled, an act for the establishment of religious worship in this Province, &c. among other things it was enacted, that Berkley county shall be divided into six more parishes, besides Charles-Town; that is to say, one upon the South-East of Wando river, which shall be called by the name of Christ church; one upon the neck of land lying on the North-West of Wando, and South-East of Cooper river, which shall be called by the name of St. Thomas; one upon the Western branch of Cooper river, which shall be called by the name of St. John's; one upon Goose creek, which shall be called by the name of St. James goose-creek; one upon Ashley river, which shall be called by the name of St. Andrews; and one in the Orange quarter, for the use of the French settlement there, which shall be called by the name of the parish of St. Dennis. And also, that Colleton county shall be divided into two parishes; that is to say, one on the South side of Stono river, to extend to the North side of South Edisto, which shall be called by the name of St. Paul's; and the other on the North side of St. Helen's, which shall be called by the name of St. Bartholomew. And also, that one parish shall be erected in Craven county, in that part of it which is called by the name of St. James on Santee river: As by the said recited act, reference being thereunto had, will more fully appear. But in the said recited act, the limits and bounds of the said several parishes are not particularly expressed, whereby differences, disputes and contentions have already risen, and more may hereafter arise, concerning the same: For the prevention of which evils and inconveniencies, *Be it Enacted*, that the above-mentioned parish, on the South-East part of Wando river, called the parish of Christ Church, shall be, and is hereby bounded to the North-East by a large creek, or river, commonly called Awindaw creek, or Seawee river, being the bounds of Craven county, to the South-East by the sea, to the West by Wando river, and to the North-West, partly by the said river, and partly by a line drawn from the Cowpen of Capt. Robert Daniel, or the swamp of the head of Wando river exclusive, to the Cowpen of Joseph Wigfal, on the head of the said Awindaw creek or Seawee river inclusive. And the said parishes on the neck of land lying on the North-West of Wando, and South-East of Cooper river, called St. Thomas and St. Dennis, shall be and is hereby bounded, to the North-East by the bounds of Craven county; to the South by the bounds of Christ-Church parish and Wando river; to the West by Cooper river; to that tract of land, commonly called the Hagin inclusive, and to the North by the Eastern branch of the said Cooper river, to the plantation of the Right Honourable Sir Nathaniel Johnson, Knight, Governor, exclusive, and then, by an East line from the Northermost part of the said plantation to the bounds of Craven county. And the said parish on the Western branch of Cooper river, called St. John's, shall be, and is hereby bounded to the North-East by the bounds of Craven county, to the South by the

Preamble.

Enacted, That the several parishes be bounded as follows:

The bounds of Christ-Church Parish.

St. Thomas parish, and St. Dennis parish.

St. John's parish.

bounds

D

* All the rest of the Clauses of this act, are either private or obsolete.

† No 260.

A. D. 1708.
N^o. 284.

St. James
Goose-Creek
parish.

St. Andrew's
parish.

The bounds of
the parishes in
Colleton county.
St. Paul's parish.

St. Bartholo-
mew parish.

The bounds of
the parish of St.
James Santee in
Craven county.

bounds of the said parishes of St. Thomas and St. Dennis, and by the Eastern branch of Cooper river, then down Cooper river to the mouth of the back river to the South-West, partly by the said Back river, to the plantation of David Durham inclusive, and partly by a North-West line from the West part of the said Durham's plantation, to the North-West bound of Berkley county, and to the North East by the said bounds of the said county. And that the said parish upon Goose-creek, called St. James Goose-creek, shall be; and is hereby bounded, to the North-East by the bounds of St. John's parish aforesaid, and to the Back river to the East, by Cooper river, to the bounds of the parish of St. Philip's Charles-Town, to the South by the bounds of the said St. Philip's and to the South-West by a North-West line, from the northermost corner of the plantation or tract of land, formerly belonging to Mr. Christopher Smith, deceased, the bounds of St. Philip's parish unto the North-West bounds of Berkley county, and to the North-West by the said bounds of the said county. And the said parish upon Ashley river, called St. Andrew shall be, and is hereby bounded to the North-East by the said North-West line from the North bounds of the plantation of the said Christopher Smith aforesaid, to the North-West bounds of Berkley county the bounds of the said parish of St. James Goose creek, to the South-East by the sea, to the South-West by Stono river, and the bounds of Colleton county, and to the North-West, by the North-West bounds of Berkley county.

II. Obsolete.

III. And the said parish in Colleton County, on the South side of Stono River, to extend to the North side of South Edisto, called St. Paul's, shall be, and is hereby bounded to the North-East by the said Stono River, and the bounds of Berkley county, to the South-East by the sea, and to the West by South Edisto River. And that other parish in the said Colleton county, on the North side of St. Helen's called St. Bartholomew, shall, and is hereby bounded to the East by the said South Edisto River, to the South-East by the sea, to the North-West by St. Hellenah sound, Cambahee River, and the bounds of Granville county, and to the North-West by the North-West bounds of Colleton county.

IV. And the said parish in Craven County, called St. James Santee shall be and is hereby bounded to the North-East by Santee River, to the South-East by the sea, and to the South-West by Berkley county*.

V. & VI. Obsolete.

December 18, 1708.

A. D. 1709.
N^o. 285.

An Act for ascertaining the Fees relating to the Office and Duty of a Justice of the Peace.

Preamble.

No justice shall demand any other fees than such as are hereinafter appointed.
Penalty.

WHEREAS the office of a justice of the peace is an office of great antiquity, trust and authority and upon the faithful and diligent discharge whereof the preservation of the peace, tranquility and good order of this Province doth in a great measure depend: And forasmuch as most of the fees incident to the said office are not as yet regulated and ascertained: Therefore in order to regulate and ascertain the same, and to the intent as well to obviate all exactions and extortions, which are and ought to be odious and prohibited in all well governed Kingdoms, Commonwealths and Provinces, as to encourage the several justices of the peace of this Province in the faithful and diligent discharge of their duty and office: *Be it Enacted*, That no justice of the peace in this Province, shall demand or require any sum of money, fee or reward for any matter, business, or thing, belonging to his office of justice of the peace, other than such and so much fees as are hereafter in the annexed table of fees set down, limited and appointed, upon the forfeiture of 1s. for every penny he shall take or receive for any business, thing or matter, relating to the office of justice of the peace more than is by this act set down and appointed, the one moiety of the said forfeitures to be paid to the commissioners of the poor for the use of the poor of the parish where such justice of the peace doth dwell, and the other moiety to the party grieved, which shall sue for the same within six months after the receipt of such money or thing. All which forfeitures under 40s. shall be recovered

* The rest of this act obsolete.

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