

THE REVISED STATUTES
OF THE
STATE OF SOUTH CAROLINA,

Prepared by Commissioners under an Act of the General Assembly, Approved March 9, 1869,
to which is prefixed the

CONSTITUTION OF THE UNITED STATES

AND THE

CONSTITUTION OF SOUTH CAROLINA.



PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

COLUMBIA, S. C.:
REPUBLICAN PRINTING COMPANY, STATE PRINTERS.
1873.

SEC. 2. Said notice shall contain, as near as practicable, a description of such freight or baggage, the place and time, when and where left, together with the name and residence of the owner of the freight or baggage, or person to whom it is consigned, if the same be known.

Contents of
advertisement
Ib.

SEC. 3. All moneys arising from the sale of freight or baggage, as aforesaid, after deducting therefrom charges and expenses for the transportation, storage, advertising, commissions for selling the property, and any amount previously paid for advances on such freight and baggage, shall be paid by the company to the persons entitled to receive the same.

Moneys there-
from, how di-
posed of.
Ib., § 11.

SEC. 4. The said company shall keep books of record of all such sales as aforesaid, containing copies of such notices, proofs of advertisements and posting, affidavit of sale, with the amount for which each parcel was sold, the total amount of charges against such parcel, and the amount held in trust for the owner; which books shall be opened for inspection by claimants, at the principal office of the said company, and at the office where the sale was made.

Books of sales
to be kept for
inspection.
Ib.

CHAPTER LXXVII.

OF THE PROTECTION OF GAME.

SEC.

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23. Who are non-residents; may hunt by authority of landlord.

Fish.

Obstructions in
rivers; close
time; penalty.

1870, XIV, 338;
1871, XIV, 600, §1

SECTION 1. That at no time during the year shall there be any permanent obstructions, of any kind or nature whatever, in any of the inland creeks, streams or waters of the State, to the free migration of fish; and there shall be a close time in all the creeks, streams and inland waters of this State from the setting of the sun each Saturday, until the rising of the sun on each Monday, during which time all seines, nets, wires, or any plan or device for the stoppage or catching of fish which obstruct more than two-thirds of any stream, other than a dam for manufacturing purposes, shall be removed from said creeks, streams or waters, and the owner, in whole or in part, of any such obstruction, plan or device shall be liable to a fine of twenty dollars for each and every offence, one-half to go to the informer, and the other half to the use of the County in which such obstruction is found.

Fishways to be
constructed.

Ib., 661, § 2.

SEC. 2. All manufacturing companies or persons who have erected, or may erect, artificial dams across the inland creeks, streams or waters of this State, which prevent the migratory fish from ascending the same, shall construct proper fishways over the same; and should such manufacturing companies or persons refuse or fail so to do, they shall be liable to a fine of five thousand dollars, recoverable by the County in which such dam has been or may be erected, in a Court of competent jurisdiction.

Impurities not
to be cast into
fish streams.

Ib., § 3, 1729;
111, 270, § 2.

SEC. 3. Should any person or persons cause to flow into, or be cast into, any of the creeks, streams or inland waters of this State, any impurities that are poisonous to fish or destructive to their spawn, such person or persons shall, upon conviction thereof, be punishable with a fine of not less than five hundred dollars, or imprisonment of not less than six months in the County jail; the fine to go one-half to the informer, and the other half to the County.

Fish sluices to
be designated.

1827, VI, 349;
1837, VI, 569, §
2.

3 Rich., 484.

SEC. 4. It shall be the duty of the Commissioner of the Bureau of Agricultural Statistics to designate the fish sluices on the several rivers, so as to leave one or more passages for fish up the said river, which sluices shall be sixty feet wide, or, where there are two or more such sluices, they shall be, together, sixty feet wide; and when they shall be so designated, it shall be lawful for any person to open such sluices; and if any person shall obstruct any such sluice, when once opened, so as to prevent the free passage of fish up the same, and every part thereof, he shall be deemed guilty of a public nuisance, and, on conviction thereof in the Court of General Sessions, shall be fined one hundred dollars, and shall stand committed until such fine shall be paid, for a time not exceeding ten days, at

Penalty for
obstructing.

Disposition of
fine.

the discretion of the Court before which such conviction may take place. One-half of the fine shall be paid to the informer, and the other half into the Treasury of the State. Whenever a fish sluice in any of the rivers aforesaid shall have been designated as aforesaid, any stoppage of the same shall be regarded as a public nuisance, and may be abated as such.

SEC. 5. That the said Commissioner shall designate and lay out the fish sluices but once a year, and shall execute this duty on or before the first day of October, whenever he shall determine to change them in any year.

To be designated yearly.
1838, VI, 599, § 2.

SEC. 6. Nothing herein contained shall be construed to give authority to the said Commissioner to designate any fish sluice through any dam erected by public authority, for the improvement of the navigation of any of the said rivers, or to designate any fish sluice, through any dam erected by individuals for the purpose of propelling any machinery, where the owner of such dam shall leave open a part of the river sixty feet wide, or where the dam extends entirely across the river, shall construct therein a sufficient fish sluice, sixty feet wide, and shall keep the same open for and during the months of February, March and April, in each year.

Commissioner.
1827, VI, 341.

SEC. 7. That it shall not be lawful for any person whomsoever, at any time, to erect or keep up any fish trap or other device for catching fish, or to fish with any net or seine, within eighty yards of any dam erected by the order or at the expense of the State across any stream intended thereby to be made navigable, in which dams there shall be left or constructed any sluice for the passage of fish; and all and every person or persons offending shall, for each and every offence, pay the sum of twelve dollars, to be recovered before the Court of General Sessions of the County where the offence may have been committed, one-half of which penalty shall go to the informer, and the other half to the support of the work to which the dam is attached; and all traps and other devices for catching fish, erected or kept up in violation of this Section, are hereby declared public nuisances, and may be abated as such.

No fish traps to be kept up near the dams on any navigable stream.
Ib., 240; 1822, IX, 521, § 29.

SEC. 8. If any person shall keep, put, or cause to be kept, put, or placed by him, her or them, any fish trap, in or near any boat sluice, in any of the rivers within this State, so as thereby to injure or in the least obstruct the free navigation of said rivers, every such person or persons so offending shall forfeit, for each and every such offence, the sum of one hundred dollars, for the use of the State.

Penalty for obstructing navigation by fish trap.
1829, VI, 393, § 2.

SEC. 9. That any person who shall take and carry away from any fish trap in the waters of this State any fish caught and being in said trap, with intent to defraud and deprive the owner or owners of said trap of the said fish, shall be deemed guilty of a misde-

Stealing from a fish trap: penalty.
Ib., § 1.

meanor, and, on conviction thereof by indictment, shall be punished for said offence by fine, not exceeding two hundred dollars, and imprisonment not exceeding six months.

Deer.

Killing deer prohibited at certain periods.
1769, IV, 310, § 1;
1783, IV, 341, § 1.

SEC. 10. That it shall not be lawful for any person whatsoever to shoot or kill any doe or fawn, between the first day of January and the last day of July in any year; nor to shoot or kill any buck, between the first day of September and the last Friday of October, and between the first day of March and the last day of April, in any year; and if any person whatsoever shall presume to hunt, shoot or kill, or otherwise destroy, any buck, doe or fawn, running wild in the woods, within the times hereinbefore respectively limited, every person so offending shall forfeit and pay the sum of ten dollars for every buck, doe or fawn so killed or destroyed, the same to be recovered before any Trial Justice in the County where such offence shall be committed, upon conviction by the oath of one sufficient witness, or on confession of the party; such penalty to be applied and disposed of in the manner hereinafter directed.

Servant offending by command of employer.
Proviso.
1769, IV, 310, § 1.

SEC. 11. If any servant, by command of his or her employer, shall so shoot or kill any deer, as aforesaid, the party giving such command shall be liable to the like penalties respectively: *Provided, always,* That it shall and may be lawful for any freeholder or housekeeper, at any time, to kill, or cause to be killed, any kind of deer in his enclosed grounds, without being liable to any penalty for so doing.

Penalty for killing deer in the night time.
1b., 311, § 2.

SEC. 12. That any person or persons who shall hunt or kill any deer in the night time, except in their own enclosed grounds, for every such offence shall forfeit and pay the sum of twenty dollars, to be applied and disposed of in the manner hereinafter directed.

Penalty for killing does.
1789, V, 125, § 4.

SEC. 13. That any person or persons convicted of killing does at any time between the first day of March and the first day of September, shall be liable to the fines, forfeitures and penalties imposed by Section 16, to be recovered and applied in the manner directed by Sections 17 and 18 of this Chapter.

Any person may kill deer for food at any time.
1769, IV, 310, § 1.

SEC. 14. That nothing in this Chapter contained shall extend, or be construed to extend, to any person who shall kill, at any time, any deer for food, for the necessary subsistence of himself or family, so as such person do not sell or dispose of the skin of any deer so killed; and in case any person shall be prosecuted for killing deer within the times prohibited by this Chapter, and such person shall allege that he killed such deer for food for the necessary subsistence of himself or family, the burden of the proof shall lie on the person so prosecuted.

Hunting—General Provisions.

SEC. 15. That if any person, at any time whatsoever, shall hunt or range on any lands whatsoever, without the consent of the proprietor, at a greater distance from his or her place of residence than seven miles, every such person so offending shall forfeit and pay the sum of ten dollars for every such offense.

Persons not allowed to hunt further than 7 miles from their residence.

1b.

SEC. 16. That any person or persons who shall hunt with fire in the night time, for every such offense shall forfeit and pay a sum not exceeding ten dollars, and for every deer so killed, a sum not exceeding twenty-five dollars, and for every horse or head of neat cattle, or other stock of any kind, a sum not exceeding fifty dollars.

Penalty for hunting with fire in the night time.

1789, V, 124, § 1.

SEC. 17. All the penalties and forfeitures mentioned in the preceding Section, shall and may be recovered before any Trial Justice in the County where any of the said offenses shall be committed, and when received shall be divided and paid, one-half to and for the use of the poor of the County where the offense shall be committed, and the other half to the person who will inform for the same; and the oath of one credible witness, or the confession of the party accused, shall be allowed as sufficient evidence to convict the offender, by every Trial Justice before whom information shall be made of any of the offenses aforesaid: *Provided*, That where the owners of any lands shall prosecute for any unlawful hunting and ranging on his or her lands, the oath of such owner shall be sufficient evidence to convict the offender, but in that case the whole penalty shall go to the use of the poor of the County.

Fines and forfeitures; how to be recovered and disposed of.

1789, IV, 311, § 3.

SEC. 18. That in case any person or persons so convicted shall refuse or neglect to pay such fine, then it shall and may be lawful, and the Trial Justice, before whom he is convicted, is hereby required to commit such person or persons to the common jail in the County where the offender or offenders shall have committed the said crime, there to remain without bail for a term not exceeding three months for unlawfully hunting with fire in the night time, and for a term not exceeding two months for violations of Sections 10, 11, 12, 13 and 15 of this Chapter.

If fines not paid offenders to be imprisoned.

1b.; 1789, V, 124, § 1.

SEC. 19. That any person or persons who shall hereafter hunt with fire in the night time, or kill any horse or neat cattle, or other stock of any kind, the property of another person, shall be liable to a civil action by the person so aggrieved, in addition to the above penalties.

Offenders liable to action by law.

1789, V, 124, § 2.

SEC. 20. Any person who will give information to a Trial Justice of any fire hunter, shall, on his conviction, be entitled to thirty dollars, to be paid out of the public Treasury.

Reward for informing of fire hunters.

1778, IV, 411, § 4.

Non-residents
not to hunt.
1855, XII, 406, § 1.

SEC. 21. That it shall not be lawful for any non-resident of this State to use a gun, set a trap or decoy, or to employ any other device for killing or taking deer, turkeys, ducks or any other game, nor to set a trap, seine, or net, or draw or use the same, or any other contrivance for taking or killing fish, within the territorial limits of this State.

Penalty.
10, § 2.

SEC. 22. Every person who shall offend against the provisions of the preceding Section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a penalty not exceeding two hundred dollars, nor less than one hundred dollars, and imprisonment not exceeding three months, nor less than one month, for each and every violation of any of the said provisions.

Non-residents
may hunt by
authority of
landlord.
Ib., § 3; Con.,
Art. VIII, § 2.

SEC. 23. All persons shall be deemed and taken as non-residents, within the meaning of the last two Sections, who shall not have had their actual domicile in this State for one year next preceding their use of any of the implements of the chase or fishery forbidden by the twenty-first Section of this Chapter. But nothing herein contained shall be construed as prohibiting any landholder from authorizing any person to hunt or shoot ducks or other game, or to fish within the boundaries of his own land.

CHAPTER LXXVIII.

OF THE PROTECTION OF OYSTER BEDS.

SEC.
1. Penalty for stealing oysters from
oyster beds.
2. Penalty for using nets, dredges,
&c.

SEC.
3. Oyster shells may be carried off
from certain lands.
4. Not to apply to fishing.

Penalty for
stealing oysters
from beds.
1848, XI, 448, § 1.

SECTION 1. That if any person or persons shall feloniously gather, remove, take, or steal, from any oyster bed, laying, or fishery, any oysters, or oyster brood, there growing, lying, or being, such oyster bed, laying, or fishery, being the property of any other person or persons, and cultivated and used by the proprietor or proprietors thereof, for the production, growing and improvement of oysters, and being sufficiently marked out, every person or persons so offending shall be deemed and held guilty of larceny, and he, she, or they, or his, her, or their, aiders, helpers, abettors, or accessories, being thereof convicted by due course of law, shall be punished as in cases of larceny.