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States' Fence Statutes: *South Carolina*



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S.C. Code Ann. §§ 47-7-10 to 47-7-170, S.C. Code Ann. § 58-17-1370

Current through 2021 Act No. 39, 41-43, 46-49, 51, 53-54, 56-59, 61, 63, 65, subject to final approval by the Legislative Council, technical revisions by the Code Commissioner, and publication in the Official Code of Laws.

Chapter 7. Estrays; Livestock Trespassing or Running at Large.

Article 1. Estrays.

§ 47-7-10. "Estray" defined.

Any domestic or domesticated animal found wandering at large or abandoned in the public ways or on the lands of any person other than its owner shall be an "estray."

§ 47-7-20. Public sale of estrays.

Any person finding an estray may take possession thereof and shall, if the owner is not found and no claim to such estray is made within three days, deliver or report the finding and taking up of such estray to the nearest magistrate, who shall sell such estray at public sale after ten days' notice posted in three public places in the county, one of which shall be the courthouse door.

§ 47-7-30. Application of proceeds of sale.

The proceeds of sale of an estray shall be applied first to costs of sale and next to costs of care and feeding of the estray, including a reasonable compensation as determined by the magistrate for the finder's labor for care and feeding. Any balance remaining shall be paid into the county treasury as general county funds.

§ 47-7-40. Penalties for violations or for appropriating estrays.

Any person violating the provisions of this article, or attempting to conceal or appropriate an estray to his own use, shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than thirty days for each offense.

Article 3. Livestock Trespassing or Running at Large.

§ 47-7-110. Permitting domestic animals to run at large unlawful.

It shall be unlawful for the owner or manager of any domestic animal of any description willfully or negligently to permit any such animal to run at large beyond the limits of his own land or the lands leased, occupied or controlled by him. Any owner, manager or person violating the provisions of this section shall be subject to a fine for each offense of not more than twenty-five dollars or to imprisonment for not more than twenty-five days.

§ 47-7-120. Stock coming into State shall not be permitted to run at large.

It shall be unlawful for any person to drive, cause to be driven or in any other manner permit to come into this State any horse, mule, hog, cattle, sheep or other livestock and suffer it to run at large in any marsh, forest lands or range in this State. Any person so



offending shall be subjected to a penalty of five dollars for each head so permitted to run at large, to be recovered for the benefit of anyone who may sue for it, or the offender shall be proceeded against by attachment in case he cannot be found in this State. But this section shall not apply to any person owning lands in this State who permits such stock to run at large, as aforesaid, upon his own lands, nor to any person driving or causing to be driven any such stock to or from market or for breeding purposes.

§ 47-7-130. Liability of owners of trespassing stock.

Whenever any domestic animals shall be found upon the lands of any other person than the owner or manager of such animals, the owner of such trespassing stock shall be liable for all damages sustained and for the expenses of seizure and maintenance. Such damages and expenses shall be recovered, when necessary, by action in any court of competent jurisdiction. And the trespassing stock shall be held liable for such damages and expenses, in preference to all other liens, claims or encumbrances upon it.

§ 47-7-140. Right to seize trespassing stock.

Any freeholder or tenant of land, his agent or representative, may seize and hold possession of any domestic animal which may be trespassing upon his premises and as compensation for such seizure may demand of the owner of every such horse, mule, ass, jennet, bull, ox, cow, calf, swine, sheep, goat, or other animal not herein named, just damages for injuries sustained. Such claim shall, when possible, be laid before the owner of the trespassing stock within forty-eight hours after seizure of the stock.

§ 47-7-150. Liability of owner for maintenance; bond; recovery of possession.

In case the claim shall not be amicably or legally adjusted and the trespassing animals recovered by the owner within twelve hours after the receipt of such notification, the owner shall further become liable in a sum sufficient to cover the maintenance and care of his stock up to the time of its removal. But the owner shall be entitled to recover immediate possession of his stock on due execution of such bond to cover expenses and claimed damages as any magistrate shall decide to be good and sufficient.

§ 47-7-160. Rescuing animal from custody of person impounding it unlawful.

Whenever any animal shall be taken up under the provisions of this article, it shall be unlawful for any person to rescue it or deliver it from the custody of the person impounding it; and whoever shall violate this provision shall be guilty of a misdemeanor and be punished by a fine of not less than five nor more than thirty dollars or by imprisonment in the county jail not less than five nor more than thirty days.

§ 47-7-170. Satisfaction as defense in criminal prosecutions.

In any criminal prosecution for violation of the provisions of § 47-7-160, the defendant may plead, as a matter of defense, the full satisfaction of all reasonable demands of the party or parties aggrieved by such violation; and upon such plea being legally established and upon payment of all costs accrued up to the time of such plea he shall be discharged from further penalty.

Article 11. Railroad Crossings.

§ 58-17-1370. Stock guards or cattle gaps shall be constructed.



Each railroad company whose line of road lies wholly or partly in this State shall construct and keep in repair an adequate stock guard or cattle gap at every point where the line of railroad of any such company crosses the line of any fence in this State. For every violation of this section the railroad company so violating it shall pay to the owner of the fence upon the line of which such stock guard or cattle gap should have been constructed and kept in repair the sum of one hundred dollars, to be recovered by action in the court of common pleas for the county in which such stock guard or cattle gap should have been constructed and kept in repair.

