

The Newberry Herald.

THREE DOLLARS A YEAR.]

FOR THE DISSEMINATION OF USEFUL INTELLIGENCE.

[INVARIABLY IN ADVANCE.]

VOL. III.

WEDNESDAY MORNING, JANUARY 9, 1867.

NO. 2.

NEWBERRY HERALD JOB PRINTING OFFICE.

Orders Filled with neatness and dispatch.

Terms Cash, on Delivery.

T. F. & R. H. Greener.

Counting House Calendar.

1867.							1867.						
Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
Jan. 6	7	8	9	10	11	12	July 1	2	3	4	5	6	7
13	14	15	16	17	18	19	8	9	10	11	12	13	14
20	21	22	23	24	25	26	15	16	17	18	19	20	21
27	28	29	30	31			22	23	24	25	26	27	28
Feb. 3	4	5	6	7	8	9	28	29	30	31			
10	11	12	13	14	15	16	Aug. 1	2	3	4	5	6	7
17	18	19	20	21	22	23	8	9	10	11	12	13	14
24	25	26	27	28	29	30	15	16	17	18	19	20	21
Mar. 3	4	5	6	7	8	9	22	23	24	25	26	27	28
10	11	12	13	14	15	16	29	30	31				
17	18	19	20	21	22	23	Sept. 1	2	3	4	5	6	7
24	25	26	27	28	29	30	8	9	10	11	12	13	14
31							15	16	17	18	19	20	21
April 1	2	3	4	5	6	7	22	23	24	25	26	27	28
8	9	10	11	12	13	14	29	30	31				
15	16	17	18	19	20	21	Oct. 1	2	3	4	5	6	7
22	23	24	25	26	27	28	8	9	10	11	12	13	14
29	30	31					15	16	17	18	19	20	21
May 1	2	3	4	5	6	7	22	23	24	25	26	27	28
8	9	10	11	12	13	14	29	30	31				
15	16	17	18	19	20	21	Nov. 1	2	3	4	5	6	7
22	23	24	25	26	27	28	8	9	10	11	12	13	14
29	30	31					15	16	17	18	19	20	21
June 1	2	3	4	5	6	7	22	23	24	25	26	27	28
8	9	10	11	12	13	14	29	30	31				
15	16	17	18	19	20	21	Dec. 1	2	3	4	5	6	7
22	23	24	25	26	27	28	8	9	10	11	12	13	14
29	30	31					15	16	17	18	19	20	21
							22	23	24	25	26	27	28
							29	30	31				

Acts Passed by the Legislature.

TO AUTHORIZE THE CREATION OF PRIVATE CORPORATIONS.

Private corporations for any purpose whatever, excepting banking, insurance, constructing railroads, canals, turnpikes, bridges, causeways and ferries, making and selling gas for light in and for any city, town or village, supplying the inhabitants of any city, town or village with water, manufacturing or distilling spirituous or intoxicating liquors, and, also excepting military, fire and lottery companies, may be created in this State, by complying with the following provisions:

A petition by the persons desiring a charter to the Court of Common Pleas, for the District where a majority of the corporators reside, or in which they may desire to transact business, or to a Judge or Chancellor at Chambers, setting forth the object of their association, the amount of its capital stock, if any there be, the privileges they desire to exercise, and the name and style by which they desire to be incorporated, (notice of such application having been first published once a week for two months, in one more public gazette nearest to the point where such business is to be located.) If the application is legitimately within the intention of this Act, and not inconsistent with public welfare, the said Court, Judge or Chancellor, shall pass an order declaring the said application granted, and the petitioners and their successors incorporated for a term not exceeding fourteen years, with the privilege of renewal at the expiration of that time, according to the provisions above set forth; and the said petition and order shall be filed in the office of the Clerk of the Court for the District in which the business of the corporation is to be transacted; and it shall be the duty of the Clerk to

record the same in a book to be procured by him for the purpose, at the expense of the funds in the hands of Commissioners of Public Buildings for his District; and he shall also forward a certified copy thereof to the Secretary of State, to be filed in his office. The individual members of such corporations, whenever the object of the association is for the purpose of trading or transacting business for profit, shall be jointly and severally bound for the ultimate payment of all the contracts of said companies, incurred while they are members of the same. The Clerk of the Court, for his services in each case, shall receive the sum of two dollars. Corporations thus created, shall have succession of officers and members, power and authority to make all by-laws not repugnant to the laws of the land, to have and use a common seal and same to alter at will, to sue and be sued, plead and be impleaded in any Court of law or equity in this State, and may exercise all corporate powers necessary to the purpose of their organization, but shall make no contracts or purchase, or hold any property of any kind, except such as is necessary in legitimately carrying into effect such purpose, or for securing debts due to the company. A private corporation for the purpose of carrying on agricultural, mechanical, mining, or manufacturing business—except that of manufacturing or distilling spirituous or intoxicating liquors—may be created without the stockholders incurring an individual liability for its indebtedness by complying with the following provisions: A declaration in writing by the applicants, specifying the object of their association, and the particular business they propose to carry on, together with their name, and the amount of capital to be employed by them, and the time, not exceeding thirty years, for which they desire to be incorporated; which declaration shall be signed by all the stockholders, and accompanied by the affidavit of

the President, taken before some person authorized to administer oaths, of the amount of capital or property, at its sworn valuation, actually paid in, owned and employed by such corporation. Such declaration and affidavit shall be filed in the office of the Clerk of the Court of Common Pleas for the District where the business is proposed to be transacted, to be by him recorded, and shall also be published once a week for two months in one or more public gazettes nearest to the point where such business is located, the expense of such publication to be paid by the applicants. If such corporation shall at any time desire to increase their capital stock, an affidavit, like to the above, shall be made, recorded and published as above, and a new certificate issued. If the affidavit taken by the President be false as to the amount of capital, *bona fide* paid in, owned and employed by such corporation, each and every corporator shall be jointly and severally liable for all debts and contracts made at any time by said corporation. The whole amount of the indebtedness of such corporation, not counting its capital stock, shall not, at any time, exceed the capital stock actually paid in. An act in case of a violation of this provision, the officers and agents by whom such excess shall be created, shall be jointly and severally liable to the extent of such excess. If the officers or directors of such corporation shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted while they shall respectively continue in office: *Provided*, That if any of the officers or directors shall object to the declaring of such dividend, or to the payment of the same, and shall at any time before the time fixed for the payment, file a certificate of the objection in writing with the Secretary of the company, and with the Clerk of the Court of Common Pleas for the District in which the business of the corporation is transacted, they shall be exempt from said liability. Every such corporation shall annually, within twenty days from the first day of January, make a report, setting forth the amount of its capital, the proportion thereof actually paid in, and the amount of its existing debts; which report shall be signed by the President, verified by the oath of the President or Secretary, and filed in the office of the Clerk of the Court for the District where the business of the company shall be carried on; and upon failure so to do, all the officers and directors of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made. The stockholders of such corporation shall be individually liable for all debts that may be due and owing to all their laborers, servants and apprentices, for services performed. If any corporation formed or created under this Act shall not organize and commence the transaction of its business within one year from the date of its incorporation, its corporate powers shall cease. For the encouragement of trade with foreign countries, and the other States of the United States, private corporations, having such trade for their object, may be formed by any number of the citizens of this State, by complying with the provisions of the foregoing section, incorporating companies for carrying on agricultural, mechanical, mining or manufacturing business, except that of

manufacturing or distilling spirituous or intoxicating liquors. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO ESTABLISH DISTRICT COURTS.'" I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of an Act, entitled "An Act to amend an Act, entitled 'An Act to establish District Courts,'" ratified the twenty-first day of September, one thousand eight hundred and sixty-six, as requires the drawing and empanneling of Grand Jurors for the District Courts, be, and the same is hereby repealed, and all persons already drawn and summoned to attend said District Court as Grand Jurors are hereby relieved of the duty of so attending. II. That no presentment of a Grand Jury shall be necessary in any case in the said District Courts, but it shall be the duty of the Attorney General and Solicitors, after inquiring into the facts of each case, to prepare Bills of Indictment, and present the same with the papers pertaining thereto to the District Judge for his examination, who shall order the same to be docketed for trial, if, in his judgment, the prosecution thereof be advisable. III. That the Juries in the District Court, shall consist of one Jury of eight Jurors at each Quarterly Session, and the venire therefor shall consist of a panel of sixteen; and it shall be the duty of the District Judge, at each Quarterly Session, to order the drawing in open court of the jurors to constitute the panel of the venire for the succeeding term. IV. That there shall be kept a separate Jury Box for the District Courts, which shall be filled from time to time, and the drawing therefrom be conducted in the same manner as by law required for the Superior Courts; and in reference to the said Juries of the District Courts, the manner of summoning them, the duties and liabilities of the officers of the Court, and the penalties for non-attendance, and in all other respects, the jury law of the State shall apply. V. That in drawing jurors to constitute the panel of the Venire, it shall be competent for the District Judge to direct the rejection at the time of drawing of the names of persons who are known or believed to be dead, not resident in the District, over seventy years of age, or in any manner disabled from discharging the duties of a Juror; and names shall be rejected for the occasion and returned to the Box of persons who are known to be in the panel for the term of the Superior Court next ensuing the drawing, or who have served as Jurors either in the Superior or District Courts within twelve months preceding the drawing. VI. That to constitute the Juries in the District Courts for the Term next succeeding the passing of this Act, and for which the Venire has already been issued, the District Judge shall order the drawing of sixteen from the number of those summoned and in attendance, which number, so drawn shall constitute the panel for that term, and from them shall be drawn those who shall serve as the Jury of that Term; and, if in any District such Venire shall not have been already issued, the District Judge shall order a special court for the drawing and shall order the Venire in accordance with the provisions of this Act. VII. That in the District Court, each party in a civil action, and the accused and the prosecuting officer in a criminal matter, shall be entitled to challenge each, two jurors; and the places of those

challenged, shall be supplied from the supernumeraries. An insufficient number of jurors in any instance, shall be supplied in like manner as in the Superior Court. VIII. A traverse of an indictment shall not, in the District Courts, of itself, operate to continue the case. IX. That the concluding paragraph of the eleventh section, in the words, "and in the District of Beaufort, where the Court shall be held, alternately at the Court House in the Town of Beaufort, and at Lawtonville," be repealed. X. In civil causes the defendant shall be entitled to an imparlance to the succeeding quarterly Term of the Court. XI. The Superior Court of Equity and the District Court shall have concurrent jurisdiction in all cases of Equity; and the Superior Courts of Law and the District Court shall have concurrent jurisdiction of all cases in Law, civil and criminal, of which, by the constitution, the said District Courts have jurisdiction. XII. That in all cases now commenced in the District Courts for services where the amount due is over one hundred dollars, the case shall be transferred to the Court of Common Pleas. XIII. Matters of equity pending in the District Court, shall be heard by the District Judge, at a Quarterly Session, or at such other time as with his concurrence, the parties may fix, with an appeal, as from a Chancellor on Circuit. With respect to these matters the Commissioner in Equity for the District shall regard the Judge of the District Court as he does a Chancellor with respect to matters in the Superior Court of Equity; and in both of these Courts, the law, practice, fees, modes of proceeding and effect of order and process shall be as nearly as possible the same. In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six. W. D. PORTER, President of the Senate, CHARLES H. SIMONTON, Speaker of the House of Representatives. Approved: JAMES L. ORR.

hire or counsel any other person to commit a breach of trust with a fraudulent intention. Every entry on the enclosed or unenclosed land of another, after notice from the owner or tenant prohibiting the same, shall be deemed a misdemeanor. If any person shall, directly or indirectly, purchase any product of a farm from any person who is in the employment of another engaged in husbandry, without sufficient evidence of his right to sell, the purchaser and seller shall each be guilty of a misdemeanor, and, upon conviction of any such offence, shall be liable to a fine not exceeding five hundred dollars, and to suffer imprisonment not exceeding twelve months, and shall be liable to a fine at least equal to twice the value of the product sold; and if that be not immediately paid, shall suffer imprisonment in the penitentiary, at the discretion of the court. The punishment of felony with benefit of clergy, for the first offence, shall, at the discretion of the court, be by one or more of the following modes, to wit: confinement in a penitentiary, workhouse or penal farm (when such institution shall exist,) for a period not less than three months nor more than ten years, with such imposition of hard labor and solitary confinement as may be directed; confinement in tread-mill or stocks; solitary confinement, hard labor, corporeal punishment; imprisonment not less than three months nor more than two years; fine not less than one hundred, nor more than one thousand dollars. Where no special punishment is provided for a misdemeanor, it shall, according to its nature and degree be punished, at the discretion of the court, by one or more of the modes prescribed in the section last preceding for a felony with benefit of clergy. Upon view of a felony committed, or upon certain information that a felony has been committed, any person may arrest the felon and take him to a judge or magistrate, to be dealt with according to law. It shall be lawful for any citizen to arrest any person in the night time, by such efficient means as the darkness and the probability of his escape render necessary, even if his life should be thereby taken, in cases where he has committed a felony, or has entered a dwelling-house with evil intent, or has broken or is breaking into an out-house, with a view to plunder, or has in his possession stolen property, or being under circumstances which raise just suspicion of his design to steal or commit some felony, flees when he is hailed. Whosoever hereafter any person shall migrate into this State, and reside here, or exhibit an intention so to reside, if his bad character or his inability to support himself and family shall be made to appear to the Judge of the District Court, the said Judge shall, by written warrant, require him to enter, within twenty days thereafter, in a bond, payable to the State, with two freeholders as sureties, whose sufficiency shall be approved by the Clerk of the Court, in a penalty of one thousand dollars, conditioned for his good behavior, and for his continued support of himself and family. And in case such person shall fail to give the bond as so required, the District Judge is hereby authorized and required, upon complaint and due proof thereof, to issue a warrant commanding such person to leave the State within ten days thereafter. And if any such person so ordered to leave the State shall not do so within the time prescribed in such warrant, he shall be guilty of a misdemeanor, and, upon conviction thereof, be liable to fine, imprisonment, corporeal

punishment and hard labor, at the discretion of the Court. If the bond aforesaid should be given, it shall be kept by the Clerk, and suit thereon may be ordered by the District Judge. In such suit, any fine imposed upon the principal obligor and not paid by him, and any sums expended for the support of himself or his family, under public authority, shall be assessed as damages, to be collected under the judgment for the penalty of the bond, which shall be recovered upon proof of any breach of the condition. If any person, who shall have been convicted of any infamous offence in any other State or country, shall come or be brought into this State, such person, on conviction thereof, shall be sentenced to transportation beyond the limits of this State for life, or to hard labor, with occasional solitary confinement, for any period not exceeding fifteen years. Any simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or any articles of personality, of which now by law larceny may be committed; of all domesticated animals and animals *ferae naturae*, which have, in any degree, been subjected to the control of an owner; of all growing crops, or parts thereof; of all annual products of the soil, and of all such fixtures and parts of the soil as were severed from the soil by an unlawful act, below the value of twenty dollars, shall be a misdemeanor, and be considered a petit larceny. AN ACT TO PROVIDE AN EXPEDITIOUS MODE OF EJECTING TRESPASSERS. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person shall have gone into or shall hereafter go into possession of any lands or tenements of another, without his consent, or without warrant of law, it shall be lawful for the owner of the land so trespassed upon to apply to any Magistrate to serve a notice on such trespasser to quit the premises, and if after the expiration of five days, from personal service of such notice, such trespasser refuses or neglects to quit, it shall then be the duty of such Magistrate to issue his warrant to any Sheriff or Constable, requiring him forthwith to eject such trespasser, using such force as may be necessary; provided, however, that if the person in possession, before the expiration of the said five days, appears before such Magistrate and satisfies him that he has a color of claim to the possession of such premises and enters into bond to the person claiming the land with good and sufficient security to be approved by the Magistrate, conditioned for the payment of all such costs and expenses as the person claiming to be the owner of the land may incur in the successful establishment of his claim by any of the modes of proceeding now provided by law, the said Magistrate shall not issue his warrant as aforesaid. Sec. 2. That the Magistrate shall be entitled to demand and receive from the person applying for such warrant, a fee of five dollars before issuing the same, and the Sheriff or Constable shall, in like manner, be entitled to demand and receive a fee of five dollars and mileage, before executing such warrant, from the person applying for the same. Ratified December 15. ILL-FEELING IN FLORIDA.—Official accounts from Florida indicate considerable ill-feeling between citizens there, arising from the possession of confiscated property. Parties who purchased real estate at Confederate confiscation sales, refuse to relinquish their claims to refugee owners. The courts, in some counties, have sustained the holders of such property, but issued writs of ejectment against persons holding property confiscated and sold by the United States. General Foster, commanding the State, thinks that troops cannot be safely removed.—Forney.