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An Act to Regulate Arrests and Bail in Civil Action.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, No person shall be arrested in a civil action, except as prescribed by this Act, but the same shall not be construed to apply to proceedings for contempt.

II. Arrests may be made, as hereinafter prescribed, in the following cases:

1. In an action for the recovery of damages in a cause of action not arising out of contract, where the defendant is not a resident of the State, or is about to remove therefrom, or where the action is for an injury to person or character, or for wrongfully taking, detaining or converting property.

2. In an action for a fine or penalty, or on a promise to marry, or for money or property received and embezzled or fraudulently misapplied by a public officer, or by an attorney, solicitor or counselor, or by an officer or agent of a corporation or banking association, in the course of his employment as such, or by any factor, agent, broker or other person in a fiduciary capacity, or for any misconduct or neglect in office, or in a professional employment.

3. In an action to recover the possession of personal property unjustly detained, where the property or any part thereof has been concealed, removed or disposed of so that it cannot be found or taken by the Sheriff, and with the intent that it should not be so found or taken, or with the intent to deprive the plaintiff of the benefit thereof.

4. When the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought, or in concealing or disposing of the property for the taking, detention or conversion of which the action is brought to recover damages for fraud or deceit.

5. When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors. But no female shall be arrested in any civil action, except for wilful injury to person, character or property.

III. An order for the arrest of the defendant must be obtained from a Judge, Justice of the Peace, or Clerk of the Court in which, or before whom, the action is brought.

IV. The order for arrest may be made where it shall appear to the Judge, Justice of the Peace, Magistrate or Clerk, by the affidavit of the plaintiff or of any other person that a sufficient cause of action exists, and that the case, from the facts stated, is one of those mentioned in Section 2 of this Act.

V. Before making the order the Judge or Clerk shall require a written undertaking on the part of the plaintiff, with or without sureties, to the effect that if the defendant recover judgment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the arrest, not exceeding the sum specified in the undertaking, which shall be at least one hundred dollars. If the undertaking be executed by the plaintiff without sureties, he shall annex thereto an affidavit that he is a resident and house-

holder or freeholder within the State, and worth double the sum specified in the undertaking over all his debts and liabilities.

VI. The order may be made to accompany the summons or at any time afterwards before judgment. It shall require the Sheriff of the county where the defendant may be found forthwith to arrest him and hold him to bail in a specified sum, and to return the order at a time and place therein mentioned to the plaintiff or attorney, by whom it shall be subscribed or endorsed.

VII. But said order of arrest shall be of no avail and shall be vacated or set aside on motion, unless the same is served upon the defendant, as provided by law, before the docketing of any judgment in the action; and the defendant shall have twenty days after the service of the order of arrest in which to answer the complaint or affidavit in the action, and to move to vacate the order of arrest or to reduce the amount of bail.

VIII. The affidavit and order of arrest shall be delivered to the Sheriff, who, upon arresting the defendant, shall deliver to him a copy thereof.

XI. The Sheriff shall execute the order by arresting the defendant and keeping him in custody until discharged by law, and may call the power of the county to his aid in the execution of the arrest.

X. The defendant, at any time before execution, shall be discharged from the arrest, either upon giving bail or upon depositing the amount mentioned in the order of arrest, as provided in this Act.

XI. The defendant may give bail by causing a written undertaking to be executed by two or more sufficient bail, stating their places of residence and occupations, to the effect that the defendant shall, at all times, render himself amenable to the process of the Court during the pendency of the action, and to such as may be issued to enforce the judgment therein; or if he be arrested for the cause mentioned in the third subdivision mentioned in Section 2 of this Act, an undertaking to the same effect as that provided by Section fourth of an Act entitled "An Act to regulate attachments."

XII. At any time before a failure to comply with the undertaking, the bail may surrender the defendant in their exonerated, or he may surrender himself to the Sheriff of the county where he was arrested, in the following manner:

1st. A certified copy of the undertaking of the bail shall be delivered to the Sheriff, who shall detain the defendant in his custody thereon, as upon an order of arrest, and shall, by a certificate in writing, acknowledge the surrender.

2d. Upon the production of a copy of the undertaking, and Sheriff's certificate, a Judge or Clerk of the Court may, upon a notice to the plaintiff, of five days, with a copy of the certificate, order that the bail be exonerated, and on filing the order and the papers used on said application, they shall be exonerated accordingly. But this Section shall not apply to an arrest for cause mentioned in sub-division three of Section 2 of this Act, so as to discharge the bail from an undertaking given to the effect provided by Section fourth of an Act entitled "An Act to regulate attachments."

XIII. For the purpose of surrendering the defendant, the bail, at any time or place, before they are finally discharged, may themselves arrest him, or by a written authority, endorsed on a certified copy of the undertaking, may empower any person of a suitable age and discretion to do so.

XIV. In case of a failure to comply with the undertaking, the

bail may be proceeded against in the manner heretofore provided by law, not inconsistent with this Act.

XV. The bail may be exonerated either by the death of the defendant, or his imprisonment in State prison, or by his legal discharge from the obligation to render himself amenable to the process, or by his surrender to the Sheriff of the county where he was arrested, in execution thereof, within twenty days after the commencement of the action against the bail, or within such further time as may be granted by the Court.

XVI. Within the time limited for that purpose the Sheriff shall deliver the order of arrest to the plaintiff or attorney by whom it is subscribed, with his return endorsed, and a certified copy of the undertaking of the bail. The plaintiff, within ten days thereafter, may serve upon the Sheriff a notice that he does not accept the bail, or he shall be deemed to have accepted it, and the Sheriff shall be exonerated from liability.

XVII. On the receipt of such notice the Sheriff or defendant may, within ten days thereafter, give to the plaintiff or attorney by whom the order of arrest is subscribed, notice of the justification of the same or other bail, (specifying the places of residence and occupation of the latter,) before a Judge or Clerk of the Court, at a specified time and place; the time to be not less than five nor more than ten days thereafter. In case other bail be given, there shall be a new undertaking, in the form prescribed in Section 11.

XVIII. The qualifications of bail must be as follows:

1st. Each of them must be a resident and a householder or freeholder within the State.

2d. They must each be worth the amount specified in the order of arrest, exclusive of property exempt from attachment or execution; but the Judge, Clerk, or a Justice of the Peace, on justification, may allow more than two bail to justify severally in amounts less than that expressed in the order, if the whole justification be equivalent to that of two sufficient bail.

XIX. For the purpose of justification, each of the bail shall attend before the Judge, Clerk or a Justice of the Peace at the time and place mentioned in the notice, and may be examined, on oath, on the part of the plaintiff, touching his sufficiency, in such manner as the Judge, Clerk or Justice of the Peace, in his discretion, may think proper. The examination shall be reduced to writing and subscribed by the bail, if required by the plaintiff.

XX. If the Judge, Clerk or Justice of the Peace find the bail sufficient, he shall annex the examination to the undertaking, endorse his allowance thereon, and cause them to be filed with the Clerk, and the Sheriff shall thereupon be exonerated from liability.

XXI. The defendant may, at the time of his arrest, instead of giving bail, deposit with the Sheriff the amount mentioned in the order. The Sheriff shall thereupon give the defendant a certificate of the deposit, and the defendant shall be discharged out of custody.

XXII. The Sheriff shall immediately after deposit, pay the same into Court, and shall take from the officer receiving the same two certificates of such payment, the one of which he shall deliver to the plaintiff and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the Sheriff to collect the sum deposited as in other cases of delinquency, or be forthwith proceeded against by attachment for contempt as provided in an Act entitled "An Act to regulate the

manner of keeping and disbursing funds by certain officers."

XXIII. If money be deposited as provided in the last two sections, bail may be given and justified upon notice as prescribed in Section 17 of this Act, any time before judgment; and thereupon the Judge before whom the justification is had shall direct, in the order of allowance, that the money deposited be refunded by the Sheriff or Clerk to the defendant, and it shall be refunded accordingly.

XXIV. When money shall have been so deposited, if it shall remain on deposit at the time of an order or judgment for the payment of money to the plaintiff, the Clerk shall, under the direction of the Court, apply the same in satisfaction thereof, and after satisfying the judgment shall refund the surplus, if any, to the defendant. If the judgment be in favor of the defendant the Clerk shall refund to him the whole sum deposited and remaining un-applied.

XXV. If, after being arrested, the defendant escape, or be rescued, or bail be not given or justified, or a deposit be not made instead thereof, the Sheriff shall himself be liable as bail. But he may discharge himself from such liability by giving any justification of bail, as provided in Sections 17, 18, 19 and 20 of this Act, at any time before process against the person of the defendant to enforce an order or judgment in the action.

XXVI. If a judgment be recovered against the Sheriff, upon his liability as bail, and an execution thereon be returned unsatisfied, in whole or in part, the same proceedings may be had on the official bond of the Sheriff, to collect the deficiency, as in other cases of delinquency.

XXVII. The bail taken upon the arrest shall, unless they justify, or other bail be given or justified, be liable to the Sheriff, by action, for damages which he may sustain by reason of such omission.

XXVIII. A defendant arrested may, at any time before judgment, apply, on motion, to vacate the order of arrest, or to reduce the amount of bail.

XXIX. If the motion be made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs, in addition to those on which the order of arrest was made.

XXX. The word "plaintiff," as used in this Act, shall be construed to mean the party moving or complaining in an action or suit; and the word "defendant," as the ad-

verse party.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER,
President of the Senate.
FRANKLIN J. MOSES, JR.,
Speaker House of Representatives.
APPROVED: ROBERT K. SCOTT, Governor.

A BEAUTIFUL SENTIMENT.—We clip the following beautiful sentiment from an exchange:

"Sorrow sobers us and makes the mind genial; and in sorrow we love and trust our friends more tenderly, and the dead become dearer to us; and just as the stars shine out in the nights, so there are blessed faces that look at us in grief, though before their features were fading from our recollection. Suffering! Let no man dread it too much, because it is better for him, and it will help to make him sure of being immortal. It is not the bright, happy days, but only in the solemn night, that other worlds are to be seen shining in the long, long distances. And it is in sorrow—the night of the soul—that we see farthest, and know ourselves natives of infinity and of sons and daughters of the Most High."

American missionaries are working hard at the Church at Tarsus, the birth place of the Apostle Paul.

Model Love Letter.

We commend the annexed epistle to such love-sick chaps, as are disposed to indulge in rhapsodical letter-writing to their sweet-hearts:

MY DEAR MISS: Every time I think of you my heart flaps up and down like a churn dasher. Sensations of unutterable joy caper over it like young goats over a stable roof, and thrill through it like Span-trowsers. As a gossling swimeth with delight in a mud puddle, so I swim in a sea of glory. Visions of ecstatic rapture, thicker than the hair in a blacking brush, and brighter than the hues of a humming bird's pinions, visit me in my slumbers; and borne on their invisible wings your image stands before me, and I reach out to grasp it like an old pointer at a butterfly. When I first beheld your angelic perfections I was bewildered, and my brain whirled around like a bumblebee under a glass tumbler. My eyes opened like a cellar door in country towns, and I lifted up my ears to catch the silvery accents of your voice. My tongue refused to wag, and in a silent admiration I drunk in the sweet infection of love, as a thirsty man swalloweth a tumbler of hot whiskey punch. Since the light of your face fell upon my life, I sometimes feel as if I could lift myself up by my boot straps to the top of the Presbyterian steeple and pull the bell rope for singing school. Day and night you are my thoughts. When Aurora, blushing like a bride, rises from her saffron couch; when the jay bird pipes his tuneful lay on the apple tree by the spring-house; when the chanticleer's shrill clarion heralds the coming morn; when the awakened pig ariseth from his bed and grunteth and goeth from his morning refreshments; when the drowsy beetle wheels his droning flight at sultry noontide, and when the lowing cows come home at milking time, I think of thee; and like a piece of gumelastic, my heart seems to stretch across my bosom.

I am dying to fly to your presence and pour out the burning eloquence of my love as thrifty house-wives pour out the hot coffee. Away from you I am as melancholy as a sick rat. Sometimes I can hear the June bug of despondency buzzing in my ears, and feel the cold lizard of despair crawling down my back. Uncouth fears, like a thousand minnows nibble at my spirits, and my soul is pierced through with doubts as an old cheese is bored with skippers.

My love for you is stronger than the smell of Coffee's patent butter, or the kick of a young cow, and more unselfish than a kitten's first caterwaul. As the songbird hankers for the light of day, the cautious mouse for the fresh bacon in the traps, a lean pup hankers after new milk, so I long for thee.

You are fairer than a speckled pullet, sweeter than a Yankee dough-nut fried in sorghum molasses, brighter than the top-not plumage on the head of a Muscovy duck. You are candy, kisses, raisins, poundcake and sweetened toddy all together.

If these few remarks will enable you to see the inside of my soul, and me to win your affections, I shall be as happy as woodpecker on a cherry tree; or a stage horse on a green pasture; or if you cannot reciprocate my thrilling passion I will pine away like a pinioned bedbug, and fall away from the flourishing vine of life, an untimely branch, and, in the coming years, when the shadows grow from the hills, and the philosophic frog sings his cheerful evening hymns, you, happy in a mother's love, can come and drop a tear, and catch a chill upon the last resting place of

JULIUS EPAMINONDUS MUGGINS.

Newspapers.

Some one of the editor-craft prophesied thus a few weeks ago: "That in less than fifty years newspapers would take the place of books." This is worth thinking a little about. If in 1800 any one had been able to predict truthfully the influence and power of papers at this day, he would have been called a dreamer; if not worse. It does not seem very improbable that before very long no books will be published except for schools and students, and that all the light literature of the world will make its way through the papers. And they may become as essential in our schools as the text-books. Every progressive teacher, even at this day, has resort to his morning paper to teach some fact in geography, history, or science. The newspapers in the hands of an earnest teacher is a wonderful educator.

THE EDITOR.—He is a High Priest. All honor to him if he minister at the altar with clean hands and a pure heart. Wo to him, if otherwise. He may worship a golden calf and lead a multitude to do the same; but it will not do well for him, even in this world, if he do so. He is set apart for special work, and he should do it right manfully, having for his great aim the instruction of the people in that which is best for them. Let the editor, even of a weekly journal, ever bear in mind that he is distributing mental food for seven days to many of his readers, and eagerly they look for the next supply. Then let it be wholesome—by all means, not poisonous.

THE READER.—After a good paper, the next thing needed is a good reader. One who will not grumble, and find fault, and abuse, and growl, as though the spirit of forty dogs had entered into the place for a heart. The good reader takes his paper like some men do their wives, for better or worse. He derives all the benefit he can from his paper, he is instructed by it, he teaches others around the value of it; and above all, he is grateful and thankful to the editor. He is a progressive man; the fact is he cannot stand still if he gives his paper a careful reading the year round.—Yorkville Enquirer.

A Prophecy About the New Administration.

GENERAL GRANT, IF ELECTED, TO TURN DEMOCRAT.

In a speech made last week at Crestline, Ohio, Mr. Vallandigham said:

Now, my Republican friends, I have not said anything against General Grant in this campaign. I have not done it for a purpose. If he is fit to be President, long before his term expires I will be found supporting him, honestly and cordially, against the leaders of the party which expects to elect him in November. [Loud cheers.] And you will have no right to cry out "Traitor" against him; you will have no right to talk about his Tylerizing, or his Fillmoreizing, or his Johnsonizing you. You nominated him at Chicago; you put a platform—a something called a platform—for an acceptance of it, and he accepted, and I dare say he would have accepted the Democratic nomination too. [Laughter.] But he took care in his letter of acceptance to say that he would not proclaim any policy. He did not consider it advisable to do so in advance of the election—to say what he would do when he was elected.

Now, I pray you to remember that I told you on this 26th day of October that General Grant will reject the mad, fanatical, revolutionary Radical leaders of the organization which put him forward, if he proves true to the constitution and the Union of our fathers. [Loud cheers.] If he will

restore to this government its harmony, and give back to the people their rights, North and South, I will be found among his cordial supporters, because I will be found in opposition to the to the Radical party.

A WORD FOR WIVES.—Little wives! if ever a half-suppressed sigh finds place with you, or a half-loving word escapes you to the husband whom you love, let your heart go back to some tender word in those first love-days; remember how you loved him then, how tenderly he wooed, and you responded; and if you can feel that you have not grown unworthy, trust him for the same fond love now. If you do feel that through many cares and trials of life you have become less lovable and attractive than you were, turn—by all that you love on earth, or hope for in heaven—turn back, and be the pattern of loveliness that won him: be the dear one your attractions made you then. Be the gentle, loving, winning maiden still; and doubt not, the lover you admired will live for ever in your husband. Nestle by his side, cling to his love, and let his confidence in you never fail; and my word for it, the husband will be dearer than the lover ever was. Above all things, do not forget the love he gave you first. Do not seek to "emancipate" yourself; do not seek to unsex yourself and become a Lucy Stone, or a Rev. Miss Brown; but love the higher honor ordained by our Saviour of old—that of a loving wife. A happy wife, a blessed mother can have no higher station, needs no greater honor.

TOUCHY HUSBANDS.—Women have their faults 'tis true, and very provoking ones they sometimes are; but if we would learn, men and women, that with certain virtues which we admire are always coupled certain disagreeableness, we might make up our minds more easily to accept the bitter with the sweet. For instance, every husband, we believe, delights in a cleanly, well ordered house, free from dust, spots and unseemly stains; the pains-taking machinery necessary to keep it so, he never wishes to see, or seeing too often forgets to praise. If then, his wife, true to her feminine instincts towards cleanliness, gently reminds him that he has forgotten to see the door-mat before entering the sitting-room on a muddy day, let him reflect before giving her a lordly, impatient, ungracious "psaw!" how the reverse of the picture would suit him, viz: a slatternly "easy" woman, whose apartments are a constant mortification to him in the presence of visitors. It is a poor return, when a wife has made everything fresh and bright, to be unwilling to take a little pains to keep it so, if forgetful on these points, upon which many husbands are unreasonably "touchy" even while secretly admiring the pleasant results of the vigilance of the good house-mother.

There was recently a terrible scaffold scene at Tambow, Russia. A boy of eighteen was to be executed for the murder of a family of seven persons. First, the death warrant was read, and the youth fainted, only to be revived, and screamed horribly when the executioner branded his forehead with a red-hot iron. Then he was scourged, after which the attendants undressed him, wrapped and tied him up in a large white blanket, put a rope about his neck, and took the bundle to the top of a step-ladder. Just as the executioner was about to push him off, an official stepped forward with a reprieve; the blanket was unrolled, and the livid and half-dead boy taken away to prison.

The gold product of Montana this year is estimated at \$20,000,000.