Supreme Court.

SEPTEMBER TERM, 1865.

Samuel C. Swan, in error, vs. John Roberts, Milligan, Judge—delivered the opinion of the Court:

This is a writ of error, prosecuted by the plaintiff in error to reverse a judgment of $5,000, which had been taken by default, in the Circuit Court of Knox, at the June Term, 1865. The facts necessary to be noticed are as follows:

The action was trespass, commenced by summons with ancillary attachment, founded on an affidavit, which alleges, that, "He" (the plaintiff below) "is advised and believes that he has good cause of action against the defendant herein named, in which he will be entitled to recover the sum of five thousand dollars, for which he has this day brought suit against the said Samuel C. Swan, in the Circuit Court of Knox county. He further swears that the defendant has absconded, or is absconding, or so conceals himself that the ordinary process of law cannot be served upon him, he therefore prays that an ancillary attachment issue against the property of defendant in aid of his suit at law."

The attachments follow substantially the law gauge of the affidavit. The summons and the first attachment issued on the 9th of September, 1865, and both came to the hands of the Sheriff on the same day. The summons was returned on the 15th of October following, endorsed "Search made but the defendant not to be found in the county." Prior to this, viz: September 16th, 1865, the attachment was returned, endorsed "Levied this attachment on a tract of land," etc. And alias ancilliary attachment issued, on the 24th of April, 1865, which was returned endorsed: "Levied on seven Vats, containing Leather—one Bark Mill," etc. Afterwards on the 29th of March, 1865, a *pluries*, ancillary attachment issued, which came to the hands of the Sheriff the same day, and was also returned the same day received, endorsed, "Search made—no personal property to be found in my county, levied that attachment on a tract of land," etc.

The declaration, although exceedingly inartificially drawn, is in substantial conformity to the requirements of the Code. The damages are laid at $5000, and claimed for, "falsely, maliciously and illegally arresting and imprisoning the defendant, or causing him to be imprisoned, and imprisoning for two months." No plea appears to have been filed, or appearance entered by the defendant below.

Under this state of facts at the June Term of the Circuit Court of Knox county, 1865, a judgment by default was regularly taken against the plaintiff, in error, and, therefore, a writ of enquiry was awarded, and a jury empanelled to enquire of the damages, who by their verdict assessed the same at $5,000, for which judgment final was entered.

Various questions are presented in argument, and pressed with zeal and ability on both sides. But this case, as perhaps some others of the same class, must turn upon the construction which is to be given to the attachment laws as they now exist in the State.

The question that meets us at the very threshold of this investigation is, the effect that is to be given to the ancillary attachments, issued and levied on the property of the defendant below. *Were they sufficient after the levy, to bring the party before the court without personal service?*

The attachment laws as they existed, prior to the ratification of the Amendments to the Constitution, on the 22d day of February, 1865, did not authorize the suing out of an attachment as an original process for any cause of action, *ex delicto*. In such cases, under the Act of 1843, chapter 29, a subsidiary attachment might be resorted to as an auxiliary to an action for tort, as well as upon contract; and the Code, although it has not in terms re-enacted the Act of 1843, has abridged in cases of attachment none of the rights conferred by that Statute. By the terms of the Code § 3462, this process may be resorted to "in aid of a suit already brought," and its remedial operation and effect is rather extended than restricted. Under the Act of 1843, as well as under the provisions of the Code, it could only be resorted to, when the action was brought in the ordinary mode, and its effect was not to bring the party before the court, but to create a lien on the defendant's property and hold it bound for the satisfaction of the recovery.

In such cases it can only lawfully issue as subsidiary or ancilary attachments as this Court has declared when it appears in the affidavit, and is alleged in the attachment, that a suit had been commenced by the plaintiff against the defendant, the nature thereof the tribunal in which it is pending, the amount of damages laid in the action, and that the cause of action is just." Thompson vs. Carper, 11 Hum. 544. Morris vs. Davis, 4 Sneed, 453.

These are necessary pre-requisites to the lawful issuance of an ancillary attachment in aid of a suit at law, and their presence in the affidavit and attachment, constitute a good title to real or personal estate sold under it—*Ib.*

But in causes of action *ex contracto*, whether the debt or demand is due or not, if the plaintiff resides in the State, an attachment as an original process will lie.—But if the debtor or defendant resides out of the State, and the debt or demand is not due, the remedy by an original attachment cannot be maintained—Code § 3455 and 3458. Under these broad and comprehensive Sections of the Code, any creditor may have the *writ* whether he is a natural person or a corporation; and if there are two or more debtors, he may commence his action against one or more by summons, and against the others by original attachment.—Sims vs. McNeil 10 Hum. 500. In all these cases (or debt or demand, causes of action *ex contracto*, when the relation express or implied, of debtor and credited exists, an attachment, as an original process will lie, on a proper levy and return, with publication, is sufficient to confer on the Court jurisdiction of the cause, and authorize it to proceed to final judgment as if the defendant was in Court by personal service—Code § 35,24.

In causes of action in form *ex contracto*, where the leading process is attachment, it is obvious that the mean or ancillary attachment was not contemplated. It would be if issued, wholly inoperative. The original attachment accomplishes everything, that possibly could be effected by it. In such cases, it is only effective when the suit is brought by summons, and its object and purpose is precisely the same as in cases of actions of tort, when the suit must of necessity be brought by summons. It is therefore apparent, that the ancillary attachment in actions, both in form *ex-contracto* and *ex delicto*, is subsidiary, or mense process, not operative to bring the party before the Court.

Thus the law stood until the ratification of the amendments to the Constitution in 1865. The Schedule appended to the Constitutional amendments, effected a most material and important change in the attachment laws, and introduced a new feature hitherto unknown to the laws of this State. By the 4th Section, which by its own terms has the force and effect of law, it is provided among other things, that "In all actions for tort brought, or which may hereafter be brought in the Courts in this State, by attachment levied upon the property of the defendant, the Court shall have power to proceed to judgment and collection of the same as upon contracts without personal service of process upon the defendant, until the Legislature shall see fit to change the law in such cases."

The language of this part of the schedule, although new, explicit and apparently employed without a clear comprehension of the existing state of the attachment laws, is nevertheless sufficient to convey with reasonable certainty the purpose of its framers. The intention appears to have been too fold:

First, To confer the same right of action, by original attachment in causes *ex delicto*, that then existed by law, in causes *ex-contracto*.

Second, To uphold and sustain such actions for *torts*, as had already been brought in the ordinary mode, with ancillary attachments lawfully issued, and levied on the property of the defendant. Without such construction, the words—"all actions for torts brought," would have no meaning. This phrase, when coupled, as by every rule of grammatical construction it must be, with the words following in the same sentence—"by attachment levied upon the property of the defendant," leaves but little room to doubt, that it was the intention of the Convention, to give to the ancillary attachment, when lawfully issued and duly levied on the property of the defendant, in actions for *torts* then brought, the operation and effect of an original attachment. In actions in form *ex delicto*, no other kind of attachment, as the law then existed, could issue, and that only in cases simultaneously with, or after summons: and consequently none other could be legally levied on the property of the defendant. This view of the meaning of the schedule, sustains the words—"in all actions for torts brought"—without which they are utterly nugatory. The construction thus given, we are aware, is a liberal one, but not perhaps more so, than is justified by the former adjudications of this Court, and the plain requirements of the provisions of the Code, § 3477; Runyan vs. Morgan, 7 Hum. 210; Fisher & Co., vs. Cummings, 7 Hum. 232.

It is proper, however, to remark that the reason that superinduced that part of the Schedule, which gives to the ancillary attachment the operation and the effect of an original attachment passes away with the suits then brought, and such a practice now would be irregular and not to be encouraged.

Applying this construction of the Schedule to the facts of this case, we hold that, although the affidavit and the recitals in the attachment are not in strict conformity to the rules laid down, they substantially meet the requirements of the law, and the ancillary attachments lawfully issued. The levies of the alias and pluries attachments, (without giving an opinion as to the return on the first attachment) and the officer's return thereon are regular, and after publication, had the operation and effect to bring the defendant, in legal contemplation, before the Court, and conferred the jurisdiction necessary to authorize it to proceed to final judgment.

In this view of the case the plaintiff was not bound to resort to "the alias" or "pluries" summons, or judicial attachments as provided by the Code § 3466 and 3468. The ancillary attachment which lawfully issued in aid of this suit, brought by summons, had the same operation and effect as if the action had been brought by an original attachment.

Admitting this construction of the attachment laws, it is insisted that the Circuit Judge erred in not stating the final judgment as provided by the Code, § 3527. The language of this section is, "When the defendant does not appear, the court may and the Justice shall stay final judgment or decree not exceeding twelve months, nor less than six months from the time of the return."

By the law as it formerly existed, the court was "to stay all proceedings" from six to twelve months, when the attachment was against a non-resident.—Car. and Nic. 105. "No judgment, whether interlocutory or final, could be had. And this stay is still allowed by § 3528 of the Code, when the defendant is a non-resident, unless sufficient cause appear to the contrary." In other cases the court hearing the cause may exercise a sound discretion, and refuse the stay or not, as he may think the circumstances justify.—The statute is not peremptory as to the action of the court, and the legal presumption is, that in refusing the stay, he decided correctly. But this, like all other presumptions, may be rebutted, but in the absence of all countervailing facts and circumstances in the record, this court would not feel justified in disturbing the judgment for that cause.

It is further assigned as error that the attachment was not dated on the day of its issuance, as required in the form prescribed by the Code, § 3474, and that it was improperly tested of the June term, 1865.

The section referred to (3474) is by its own terms merely directory, and a substantial conformity to its provisions is all that is required. The attachment does not appear to be dated at the foot of the process as was proper, of the day of its issuance, but it is tested of the former term. This attachment may be rejected as surplusage, and still enough appears to hold it *valid*. The date upon which it was issued is endorsed upon the back of the paper, and we think, under the liberal construction that is to be given to proceedings in attachments, this is sufficient. Code, § 3477. There is no error in the record, and we affirm the judgment.

A true copy.

JOS. M. LOGAN,
Attorney General Pro Tem.

Despoliation of the South.

In the resumption of mail service in the South continued evidence of the despoliation of the land by the rebellion is brought out. An employee of the Post Office Department, now superintending mail matters in Arkansas, writes that, "on the mail route from Fort Smith, in that State, to Caswell, in Missouri, there is not a house nor habitation where a mail carrier could refresh himself or beast, in a distance of nearly two hundred miles. From Fayetteville to Caswell by the old mail road the distance is seventy-five miles, and there is not a house or garden fence left standing, nor a field under cultivation." The writer remarks, in addition to the above, that throughout the whole of the State the restoration of postal service is hailed with genuine delight and thanks.

So much for the practical working of the policy of the Southern party. We suggest that the people give the go-by to the grannies who inaugurated that policy, and let the ship of State be piloted, hereafter by new, live, loyal men, who will not run our heads into a trap.—*Press and Times.*

Proclamation by the Governor.

STATE OF TENNESSEE,
EXECUTIVE DEPARTMENT,
NASHVILLE, Tenn., Sept. 16th, 1865.

WHEREAS, a vacancy has occurred in the General Assembly of the State of Tennessee, by the resignation of the Hon. John A. Minnis, Representative of the county of Jefferson:

I, William G. Brownlow, Governor of the State of Tennessee, do hereby command the Sheriff of said county of Jefferson to open and hold an election at all the places of voting in said county on Saturday the 11th day of November, 1865, to fill said vacancy, and that he make return of the result according to law.

In testimony whereof, I hereunto subscribe my name, and cause the Great Seal of the State to be affixed. At the Department in Nashville, this 6th day of September, 1865.

L. S.

W. G. BROWNLOW.

A. J. FLETCHER, Sec'y of State. oct1 8tde

Proclamation by the Governor.

STATE OF TENNESSEE,
EXECUTIVE DEPARTMENT,
NASHVILLE, Tenn., Sept. 26th, 1865.

WHEREAS, a vacancy has occurred in the General Assembly of the State of Tennessee, by the resignation of the Hon. James H. Randolph, Senator from the Third Senatorial District, composed of the counties of Greene, Cocke, Sevier and Blount.

I, William G. Brownlow, Governor of the State of Tennessee, do hereby command the Sheriffs of said counties of Greene, Cocke, Sevier and Blount, to open and hold an election at all the places of voting in said county on Saturday the 31st day of October, 1865, to fill said vacancy, and that they make returns of the result according to law.

In testimony whereof, I have hereunto subscribed my name, and caused the Great Seal of the State of Tennessee to be affixed. At the Department in Nashville, this 26th day of September, 1865.

L. S.

W. G. BROWNLOW.

A. J. FLETCHER, Sec'y of State. oct1-tde

Plan of Episcopal Visitation of the M. E. Church, South.

BISHOP KAVANAUGH.			
Missouri—At Hannibal,	Wednesday,	August	16
St. Louis—At St. Louis,	"	"	23
Kentucky—At Covington,	"	Sept.	23
Louisville—At Russellville, Ky.,	"	"	30
Tennessee—At Edgefield,	"	Oct.	4
Holston—At Marion, Va.,	"	"	18
Western Virginia—At Parkersburg,	"	Nov.	19
BISHOP EARLY.			
Arkansas—At Jonesboro,	Wednesday,	Oct.	4
Wachita—At Eldorado,	"	"	18
Virginia—At Danville,	"	Nov.	15
North Carolina,		"	29
BISHOP PAINE.			
Memphis—At Covington, Tenn.,	Wednesday,	Oct.	18
Mississippi—At Greenville,	"	Nov.	29
Montgomery—Lowndesboro, Ala.	"	"	15
Mobile—At Mobile,	"	"	28
BISHOP TRIGG.			
South Carolina,	Wednesday,	Nov.	18
Georgia—At Macon,	"	"	15
Florida—At Madison,	"	"	28
BISHOP ANDREW.			
Rio Grande,		Oct.	11
Texas,		Nov.	18
East Texas,		"	15
Indian Mission,		Oct.	4
California,		"	11
Louisiana,		Nov.	28

Quotations for Southern Bank Notes.

EXCHANGE & DEPOSIT BANK,

KNOXVILLE, TENN.

TENNESSEE.	
Bank of Chattanooga	10 cts
" Commerce	12
" Knoxville	25
" Paris	25
" Memphis	20
" Middle Tennessee	20
" West Tennessee	22
Buck's Bank	25
Northern Bank	25
Ocoee Bank	10
Planters' Bank	50
Southern Bank	5
Shelbyville Bank	20
Traders' Bank	5
Union Bank	50
GEORGIA.	
Augusta Insurance and Banking Company	5
Bank of Augusta	10
" Athens	15
" Columbus	10
" Commerce	5
" Fulton	15
" Empire State	10
" Middle Georgia	15
" Savannah	10
Bank of the State of Georgia	10
Central Railroad Banking Company	50
City Bank of Augusta	15
Farmers' and Mechanics'	10
Georgia Railroad and Banking Company	75
Marine Bank	15
Mechanics' Bank	5
Merchants' Bank	
Merchants' and Planters' Bank	5
Planters' Bank	5
Timber Cutters' Bank	5
Union Bank	5
NORTH CAROLINA.	
Bank of Cape Fear	35
" Charlotte	25
" Clarendon	10
" Commerce	15
" Fayetteville	12
" Lexington	20
" North Carolina	35
" Roxboro'	20
" Thomasville	25
" Wadesborough	20
" Washington	11
" Wilmington	10
" Yanceyville	20
Commercial Bank, Wilmington	15
Farmers' Bank of North Carolina	25
Greensborough Mutual Insurance Company	10
Merchants' Bank, Newbern	30
Miners' and Planters' Bank	30
Virginia	5@75
South Carolina	5@30
Alabama	15@45
Louisiana	25@30
Tennessee Bonds and Coupons	65
Quartermasters' Vouchers	85@90

These quotations are for notes dated before the war, and of denominations of 5's and upwards, are liable to fluctuations and cannot be relied on for any length of time. We will buy, sell, and effect exchange with banks or individuals on commission. Special quotations will be given whenever desired.

The Eighth Wonder

Of the fashionable world is SOZODONT. Ladies as they see their unsullied teeth and rosy gums reflected in their toilet-mirrors, and gentlemen as their white incisors flash through their dark mustaches, wonder how the benighted folk of twenty years ago got along without the teeth-beautifying, breath-perfuming SOZODONT.

A Crown of Glory.

Every man, woman child who has used

Sterling's Ambrosia

is willing to recommend it. Three years of rapidly increasing sale have made the Ambrosia famous all over the world.

IT IS WARRANTED TO PLEASE.

It cures Itching of the Head.
It Makes New Hair Grow on Bald Heads.
It Prevents the Hair from Falling Out.
It Renders the Hair Soft and Glossy.
Cleanses the Scalp. Cools the Heated Brow. Removes Dandruff. Cures Nervous Headache. Cures Baldness. Insures Luxuriant Locks. Inclines Hair to Curl. Supersedes Wigs. Kills Hair Eaters. Good effect, apparant at once.

TO THE LADIES WE SAY,

the Ambrosia will suit you to a T. Elegantly put up. Delicately Perfumed. Patronized by Opera Singers and Actresses. Sold in splendid boxes or cartons, containing two large bottles: No. 2 for morning—No. 1 for evening.

THERE IS NO MISTAKE ABOUT IT,

STERLING'S AMBROSIA is the best, most agreeable and effective toilet article in the world. To prove this try a carton.

Sold by Druggists.

STERLING'S AMBROSIA MANUFACTURING CO.,
aug9-6m 215 *Fulton Street, New York.*

ANNOUNCEMENT.

☞ We are authorized and requested to announce THOMAS PICKENS, as a candidate for the State Senate, to represent the 3d District composed of the counties of Cocke, Greene, Sevier and Blount.

☞ We are authorized and requested announce STEPHEN MATTHEWS, as a candidate to represent the 3d Senatorial District, composed of the counties of Greene, Cocke, Sevier and Blount—made vacant by the resignation of Jas. H. Randolph, Esq. oct1 8tde

☞ We are authorized and requested to announce Major WILL. R. MCKATH, (late 24 Tenn. Cavalry) a candidate for the office of Register of Knox county, at the ensuing March election. oct18-tde

☞ We are authorized and requested to announce WILLIAM RULE as candidate for County Court Clerk, at the ensuing March election. sept9tde

☞ You are authorized to announce C. T. P. DAVIS, as a candidate to the next Legislature, to fill the vacancy occasioned by the resignation of G. W. Caines, of Monroe county. Election 5th of October, 1865.

sep20-1d MANY VOTERS.

☞ We are authorized and requested to announce the name of HENRY C. YARWATER, as a candidate for Tax Collector at the ensuing March election. oct1 tde

ASSISTANT QUARTERMASTER'S OFFICE,
CHATTANOOGA, Tenn., Oct. 6th, 1865.

AUCTION SALE OF STEAM BOATS, &c

IN PURSUANCE OF ORDERS, I will offer at public auction, on Monday, the 23d day of October, 1865, at 2 o'clock, A. M., at the Levee in Chattanooga, Tenn., the following described property of the United States:

STEAM FERRY BOAT EMERY.
STEAM FERRY BOAT KNOXVILLE.
HULL and MACHINERY of TRANSPORT DUNBAR.
HULL and MACHINERY of TRANSPORT RESACA.

All of which can be seen at the Levee in Chattanooga, Tenn., until day of sale.

Terms cash in United States Currency.

Purchasers to receive property on day of sale.

By order of Brev. Col. John H. James, Chief Q. M., D. R. V.

JAMES T. CLARK,
oct13-1t Captain and A. Q. M.

J. P. BELL & CO.,

Wholesale and Retail Dealers

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Newspapers, Periodicals, Magazines,

SCHOOL BOOKS, &c.

NEWS DEALERS west of Lynchburg, will find it greatly to their advantage to order through us, as we furnish Newspapers from 18 to 24 hours in advance of mail.

J. P. BELL & CO.,
57 and 59 Market Street,
oct13-3t LYNCHBURG, VA.

VIRGINIA AND TENNESSEE RAILROAD CO.,
PRESIDENT'S OFFICE,
Lynchburg, Va., Oct. 5th, 1865.

Highly Gratifying and Important Intelligence for the Traveling Public.

INFORMATION is officially announced that the route between Lynchburg and Bristol, by the Virginia and Tennessee Railroad, is now open, and the cars are running regularly and without interruption of any sort. Connections are perfect with the Railroads going South and North, so that no detention is necessary to passengers going in either direction.

THE FARE on the Virginia and Tennessee Railroad will be six cents per mile, on and after the 5th inst.; and through tickets will be established from New York to all points South; and vice versa, by the 25th October on this route.

TRAVELERS going North or South can rely upon comfort, expedition and safety, especially from malarious influences, with beauty of scenery not possessed by other routes.

The whole equipment of the road having undergone a thorough overhauling, with new seats, painting and entire renovation of the interior of the cars, a degree of comfort unsurpassed by any other route may be confidently looked for; and from the acknowledged prudence and experience of the courteous and gentlemanly Conductors, every satisfaction may be confidently relied upon. oct18-1t

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THE

STANDARD HISTORY OF THE WAR.

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This is just the book the people want. It presents a rare chance for Agents. Teachers, energetic young men, and especially returned and disabled officers and soldiers, in want of profitable employment, will find it peculiarly adapted to their condition. Send for circulars and see our terms. Address JONES BROTHERS & CO., 148 West Fourth Street, Cincinnati, Ohio. oct18tf

WANTED.

A SITUATION AS SCHOOL TEACHER, by a young lady able to teach French.

For particulars apply by letter to A. BUFFET,
oct13-4t* Knoxville, Tenn.

SALE OF GOVERNMENT HORSES AND MULES.

OFFICE ASSISTANT QUARTERMASTER,
Chattanooga, Tenn., October 12th, 1865.

I WILL OFFER FOR SALE AT PUBLIC AUCTION, at the Government Corral in Chattanooga, Tenn., on Monday the 23d of October, 1865, one large lot of

CONDEMNED HORSES AND MULES.

Sale to commence at 10 o'clock, A. M., on the 23d and continue daily until the Stock is all sold.

Terms cash, in Government funds.

By order of Brevet-Col. John A. James, Chief Q. M. D. R. V.

J. E. REMINGTON,
oct13-1t Captain and A. Q. M.

NEW SCHOOL.

MISS PORTA BEGS LEAVE TO INFORM the public that she has opened a School for young children, at the residence of Mrs. Chapman, on Cross street.

Her terms are for the least advanced $2 per month, and for the more advanced $3. Children can enter at any time.

Miss Porta teaches French also. oct1tf

JOHN NETHERLAND, Attorney at Law. JOHN S. MURDOCH, Attorney at Law.

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Office on Main Street, next door to Union Bank.

REFERS to Hon. Thos. A. R. Nelson, Col. O. P. Temple, J. W. Patterson, Esq., and the members of the Knox county Bar generally. oct1tf

LOST.

LOST ON THE 9th OF THIS MONTH, a Plain Tweed Coat, dove color, a double breasted Vest, with the discharged papers of Wm. T. Monday of the 9th Tennessee Cavalry, Co. F, in the pocket. Also, a letter directed to B. T. Monday. A liberal reward will be given by the subscriber if left at the Whig office.

oct18-3t* WM. T. MONDAY.

CHANCERY COURT—BENTON.

Luther Lillard, Adm'r of James Smith, dec'd, vs. John C. Hood and James N. Reid.

IT appearing from the allegations in complainant's bill, which is sworn to, that the respondent, James N. Reid, is a non-resident of the State of Tennessee, and an attachment having been issued and levied on his property: It is ordered that publication be made for four successive weeks in Brownlow's Whig, notifying said respondent to appear before the Chancery Court at Benton, Tenn., on the 3d Monday of December, 1865, to plead, answer, or demur to complainant's bill, or in default of which the same will be taken as confessed, and set for hearing ex parte as to him.

oct18-4tpf 5 ROB'T N. FLEMING, C. & M.

CHANCERY COURT—CLINTON.

October Rules, 1865.—Original Bill.

William Cross, Adm'r, of Jas. Ferguson, dec'd, vs. Sarah Ferguson and others.

FROM the allegations of complainant's bill, it appears that Lafayette Ferguson, one of the defendants to the bill is a non-resident of the State of Tennessee: It is ordered that publication be made for four successive weeks in Brownlow's Whig, notifying said defendants to appear before the Chancery Court at Clinton, on the first Monday of November next, then and there to make his defense to the bill, or the same will be taken as confessed as to them, and set for hearing accordingly.

oct18-4t* W. H. WHITSON, C. & M.

ATTACHMENT.

Wm. Wilson vs. Nicholas and Jonathan R. Patterson.

THE PLAINTIFF, ON AFFIDAVIT, says the defendant is indebted to him and so absconds or conceals himself that the ordinary process of law cannot be served on him, having obtained an original attachment against the estate of the defendant made returnable before Charles T. Dunkin, a Justice of the Peace for Campbell county, Tenn., and the same having been levied on the defendant's property: It is ordered by said Justice that the defendant appear before him at his office in Campbell county, on the 18th of November, 1865, or it will be proceeded with ex parte. It is further ordered that this notice be published for four successive weeks in Brownlow's Whig.

oct18-4t* CHARLES T. DUNKIN, J. P.

COUNTY COURT—DANDRIDGE.

Jefferson County, October Term, 1865.

John L. Coile and W. S. Coile, adm'rs of James C. Coile, dec'd, vs. Lafayette Coile, David N. Coile, Martin H. Coile, Edith Hatcher, Elizabeth Jane Hatcher, James C. Coile, James Nelson, and Malissa Caroline, minor children of Archibald B. Coile, dec'd.

IT APPEARING FROM THE PETITION filed in this cause, that the defendants, Elizabeth Jane Hatcher and James C. Coile, are non-residents: It is ordered by the Court that publication be made for four successive weeks in Brownlow's Whig, notifying said defendants to appear at the next Quarterly Term of said Court, to be held for the county of Jefferson, at the court-house in Dandridge, on the first Monday in January, 1866, to show cause, if any they can, why said lands should not be sold to satisfy indebtedness of said estate.

oct18-4t* JAMES M. NICHOLSON, Clerk.

ATTACHMENT.

Ellen Houston vs. S. J. and J. D. Pugh.

THE PLAINTIFF, ON AFFIDAVIT, SAYS THE DEFENDANTS are indebted to her in the sum of $154.10, with interest from March 24, 1864, and the said S. J. Pugh so absconds that the ordinary process cannot be served, and J. D. Pugh, his security, has or is about to leave for parts unknown to her, and having obtained an original attachment made returnable before A. W. Emmett, a Justice of the Peace for Hawkins county, and the same having been levied on their property: It is ordered by said Justice that the defendants appear before him at his office in the 17 Civil District of Blount county, Tennessee, on the 12th day of April, 1866, or it will be proceeded with ex parte. It is further ordered that this notice be published for four successive weeks in Brownlow's Whig. oct18-4t* A. W. EMMETT, J. P.

ATTACHMENT.

John Hartmant vs. G. W. Moore.

IN this cause it appearing from the affidavit of plaintiff that the defendant so absconds that the ordinary process of law cannot be served upon him, and having obtained an original attachment against the estate of the defendant, and the same having been levied on his property: It is ordered that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear before me, at my house, in the 13th Civil District of Hawkins county, on the 3d day of December, 1865, and defend said suit, or the same will be set for hearing and judgment made final as to him.

oct18-4tpf 5 THOS. C. MILLER, J. P.

John and Gregory Ash vs. John B. Bynum, deceased.

IN THIS CAUSE, ONE OF THE plaintiffs, John Ash, has made affidavit and given bond as required by law in attachment cases, and the estate of the defendant levied upon and the papers returned before Thos. C. Miller, a Justice of the Peace for Hawkins County: It is ordered that notice be served upon the Administrator or personal representative of the said John B. Bynum, by publication in Brownlow's Whig, for four successive weeks, notifying him to appear before said Justice, at his house in the 13th Civil District of Hawkins county, on Saturday the 2d day of December, 1865, and make defense or the same will be taken for confessed and proceeded with ex parte.

oct18-4tpf 5 THOS. C. MILLER, J. P.

CHANCERY COURT—MARYVILLE.

OCTOBER RULES, 1865.

James Matthews, John Jones, et al, vs. Isabella J. Jones, and J. H. Houston, et al.

George Caldwell, E. S. Wilkerson, et al, vs. James A. Houston, Isabella J. Jones and James Matthews, et al.

By Cross Bill.

IN this Cross Bill it appears that James A. Houston is a non-resident of the State of Tennessee, or so absconds or conceals himself that the ordinary process cannot be served upon him: Therefore notice is hereby given to said respondent to appear at the next Chancery Court to be held at Maryville, on the four Monday of December next, there to plead, answer, or demur to said bill, or the same will be taken as confessed and set hearing ex parte.

oct18-4tpf 5 W. C. PICKENS, C. & M.
By L. WEAR, D. C. & M.

FOR SALE.

TWO 24 inch Tyler Wheels, having Steel Buckets, and drawing 90 inches of water; also, about 1,500 pounds of Grist Mill Gearing.

For further particulars apply to W. W. Woodward, Hardware Merchant, Gay street, Knoxville, Tennessee, or by letter to

A. BUFFET,
oct18-4t* Knoxville, Tenn.

CIRCUIT COURT—NEWPORT.

James Swaggerty vs. John Thomason.

IT APPEARING FROM THE AFFIDAVIT of the plaintiff in this cause, that the defendant has removed himself beyond the limits of the State of Tennessee, or so conceals himself that the ordinary process of law cannot be served upon him: It is ordered that the proceedings in this cause be stayed for at least the space of six months, and that publication be made for four successive weeks in Brownlow's Whig, notifying said defendant to appear at the term of the Circuit Court for Cocke county, at the court house in Newport, on the first Monday after the fourth Monday of November next then and there to plead, answer, or demur to said suit and demand of the plaintiff, or the same will be taken for confessed as to him, and proceeded with ex parte.

oct18-4t pf 5 H. H. BAER, Clerk.

MUSIC.

THE undersigned, thankful for past favors, respectfully informs the public she is prepared to give lessons on the Piano, at her old rooms, at the residence of Mr. J. R. Cooper, Asylum street, near Gay, where she can be found at any time. Those wishing to favor her with their patronage can enter at any time during the course.

oct11-2t MRS. V. A. WIGKS.

SHERIFF'S SALE.

BY virtue of an order of sale issued from the Circuit Court of Blount county, I will expose to public sale to the highest bidder for cash in hand, at the court house door in Knoxville, on Saturday the 4th day of November, 1865, all the right, title, claim and demand that John E. Toole has in and to a certain tract of land lying in the 11th Civil District of Knox county, adjoining the lands of B. W. Toole, Wm. Toole and others, containing 350 acres more or less. Said property will be sold to satisfy a judgment that James Henry recovered against John E. Toole and others in the Circuit Court of Blount county.

oct11-4t* M. D. BEARDEN, Sh'f.

GOVERNMENT SALE OF WAGONS AND AMBULANCES.

IN accordance with the orders of Col. A. J. McKay, Chief Q. M. Dept., of Tenn., I will sell at public auction, in the city of Knoxville, Tenn., on Thursday, October 19th, 1865, sixty-two wagons, fourteen Ambulances and five Gimlet Tools. Also, a large lot of wagon covers, &c.

The sale will continue from day to day until all the stores are sold.

W. J. COLBURN,
oct11-2t Captain and A. Q. M.

$100 REWARD.

PROVOST MARSHAL'S OFFICE,
Bridgewater, Tenn., Aug. 3, 1865.

THE undersigned will pay one hundred dollars reward for the apprehension and delivery to his office, one William B. Honeycutt, formerly a Lieutenant of the 13th Tennessee Cavalry, who is charged with stealing, robbery, &c.

Will also pay ($50) fifty dollars reward for the apprehension and delivery of one Samuel Pennner, private, Co. B, 13th Tennessee Cavalry. These persons made their escape from the military prison, on the night of July 31st, and are now supposed to be in the vicinity of Knoxville, Tenn.

Knoxville and Jonesborough papers will please copy.

G. F. BARNES,
aug30-4t Provost and Provost Marshal.

WANTED.

AGENTS FOR THE SALE OF THE

EMPIRE SEWING MACHINES,

IN THE SOUTH, TO WHOM VERY liberal discounts will be given. Parties possessing some means and facilities, will find this a most advantageous chance to enter upon a

SAFE AND LUCRATIVE

Branch of Business, at a comparatively small investment. Apply for particulars to the

EMPIRE SEWING MACHINE COMPANY,
oct11-1t 539 Broadway, New York.

LOT FOR SALE

IN pursuance of the provisions of the will of Gen. William Wallace, dec'd, I will offer for sale to the highest bidder, at the court-house door in Maryville, on Monday, the 6th day of November next, the lot on which the old Wallace store-house stood, near the court-house, with two small offices on it. The most eligable lot in the place for a business house. Terms made known on day of sale. W. A. WALKER, Ex'r,
oct11-4t of Wm. Wallace, Dec'd.

U. S. Sanitary Commission Army and Navy Claim Agency.

NO CHARGE FOR SERVICES.

CHARLES SEYMOUR, Local Agent.

Office, Lamar House, Knoxville.

THE U. S. SANITARY COMMISSION desiring to relieve Soldiers and Sailors, and their families from the heavy expenses usually paid for the prosecution of such claims, have established this Agency, to collect pensions, arrears of pay, bounty and other claims against the Government, WITHOUT CHARGE OR EXPENSE OF ANY KIND WHATEVER TO THE CLAIMANTS.

On application sent to this Agency, stating the name and post office address of the claimant, the name, rank, company, regiment, service, and State of soldier on whose account the claim is made, date of discharge or death, the proper blanks will be filled out as fast as possible and forwarded to the person applying. These can be executed and returned to this office, where the claim will be prosecuted to a final issue in the shortest possible time. oct2-1f

WHO SHOULD INSURE.

IT IS THE DUTY OF EVERY POOR MAN TO INSURE his cottage; every moderate man his residence; every rich man his mansion; so that dependent loved ones may not be made to suffer the unforeseen calamity of Fire. The Dwellings should ALL be insured.

It is the duty of every debtor to insure for the protection of his creditor, and it is the duty of creditor to see that he does it, and, if he will not do it, do it himself.

Merchants of the wiser sort have a proverb, that "The business that will not pay for insurance, will not pay to follow." All Merchants should insure.

Manufacturers should insure, of course, the special dangers of fire are too apparent in mills and manufacturing establishments to need any urgent appeals.

Personal Property of every insurable description, and every other kind of desirable Fire Risk taken at as favorable rates and rules as safety and experience will permit.

The Ætna presents unequaled facilities for granting first-class Insurance upon all property liable to destruction by FIRE.

Every man should insure, the burning of those property would injure or inconvenience himself, his family, or his neighbors.

The man who omits to insure his property now, must, in the very nature of the case, be either negligent, ignorant, or reckless.

Policies in the Ætna Insurance Company will be issued promptly, and under the prescribed rules of the Company, by application to

W. R. PATTERSON.

First National Bank,

aug27tf Knoxville, Tenn.

ATTACHMENT.

J. H. Donaldson vs. John G. Stewart.

IT APPEARING FROM THE AFFIDAVIT of the plaintiff in this cause, that the defendant has left the limits of the State, or so conceals himself that the ordinary process cannot be served upon him, having obtained an original attachment against the estate of the defendant made returnable before S. G. Williams, a Justice of the Peace for Blount county, and the same having been levied on his property: It is ordered by said Justice that the defendant appear before him at his office in Blount county, on the 3d day of April 1866, or it will be proceeded with ex parte. It is further ordered that this notice be published for four successive weeks in Brownlow's Whig.

sep27-4t pf 5 SAMUEL C. WILLIAMS, J. P.

FOREST HILL ACADEMY,

ATHENS, EAST TENN.

THE SEMI-ANNUAL SESSION OF this Institution will begin on the 16th of October, 1865, and close on the 20th of March, 1866.

Number it will be collected of the graded School System, consisting of a Primary, Middle and Higher Department, and it is designed to guarantee to boys and girls a thorough English and Classical Education.

The following efficient corps of instruction for the several departments has already been secured:

REV. W. W. THROPE, A. B., Principal.
REV. J. C. BARR Teacher Middle Department.
REV. J. W. MANN, Teacher Primary Department.

The buildings have been carefully repaired, and no pains spared to make the School pleasant and profitable to all that may attend.

Non-resident students can secure board in good families, at reasonable rates.

Tuition $40 to $45 per session, according to the advancement of pupils.

Tuition payable for one-half Session invariably in advance.

An additional charge of $1 per scholar will be made to defray incidental expenses.

WM. M. ALEXANDER,
President Board of Trustees.

JNO. T. HELM, Sec'ry. oct11-2m

HAMDEN