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BY JULIAN A. SELBY.

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### OFFICIAL. Acts Passed at the Late Session of the Legislature.

#### AN ACT TO DEFINE THE JURISDICTION AND REGULATE THE PRACTICE OF PROBATE COURTS.

1. 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, in pursuance of Section 20, of Article IV, of the Constitution, a Court of Probate is hereby established in each of the several Counties in the State, which shall hold a session on the first Monday of each month at or near the Court House, and continue thereafter so long as the business may require.

2. The Court of Probate shall be a Court of record, and have a seal, may appoint a Clerk, and may remove him at pleasure, and on failure of the Court to appoint such Clerk, the Judge of the Court may perform all the duties of Clerk.

3. The Clerk of the Court of Probate shall keep a true and fair record of each order, sentence and decree of the Court, and of all other things proper to be recorded; and on the legal fees being paid, shall give true and attested copies of the files and proceedings of the Court. All copies so attested shall be legal evidence in the Courts of this State.

4. Every Judge of Probate, in his County, shall have jurisdiction in all matters testamentary and of administration in business appertaining to minors and the allotment of dower, cases of idiocy and lunacy, and persons non compos mentis.

5. The Judge of Probate shall have jurisdiction in relation to the appointment and removal of guardians of minors, insane and idiotic persons, and persons non compos mentis, and in relation to the duties imposed by law on such guardians, and the management and disposition of the estates of their wards. He shall exercise original jurisdiction in relation to trustees appointed by will in cases prescribed by law.

6. He may exercise jurisdiction of all petitions for partition of real estate, where no dispute exists in relation to the title thereof; and when the title to such real estate is disputed, he shall refer the same to the Circuit Court for adjudication, unless the parties shall consent to his determination of the same. The probate of the will and the granting of administration of the estate of any person deceased, shall belong to the Judge of Probate for the County in which such person was last an inhabitant; but if such person was not an inhabitant of this State, the same shall belong to the Judge of Probate in any County in which the greater part of his or her estate may be.

7. All proceedings in relation to the settlement of the estate of any person deceased shall be had in the Probate Court of the County in which his will was proved or administration of his estate was granted.

8. All proceedings in relation to the property or estate of any persons under guardianship shall be had in the Court of Probate of the County in which the guardian was appointed.

9. No Judge of Probate shall act as such in the settlement of any estate wherein he is interested as heir or legatee, executor or administrator, or as guardian or trustee of any person; in every such case the Judge of Probate of any adjoining County shall have jurisdiction, and it shall be his duty, upon application, to attend at some term of the Court of Probate in which such case may be pending, which shall not interfere with the duties in his own County, and hear and determine such case.

10. The Judge or Clerk of the Probate Court shall have power to administer all oaths necessary in the transaction of business before the Probate Court, and all oaths required by law to be administered to persons executing trust under the appointment of said Court.

XI. Probate Courts may issue all warrants and processes in conformity to the rules of law which may be necessary to compel the attendance of witnesses, or to carry into effect any order, sentence or decree of such Courts, or the powers granted them by law.

XII. If any person shall refuse or neglect to perform any order, sentence or decree of a Probate Court, such Court may issue a warrant, directed to any Sheriff or Constable in the State, requiring him to apprehend and imprison such person in the common jail of the County; and if there be no jail of the County, then in the jail of the adjoining County, until he shall perform such order, sentence or decree, or be delivered by due course of law.

XIII. When a witness whose testimony is necessary to be used before any Probate Court shall reside out of this State, (or more than thirty miles from the place of holding Court,) or by reason of age or bodily infirmity shall be unable to attend in person, the Court may issue a commission to one or more competent persons to take the testimony of such witness; and depositions taken according to the provisions of the law for taking depositions to be used on the trial of civil causes, may be used on the trial of any question before the Probate Court, where such testimony may be proper.

XIV. When any Probate Court shall have first taken cognizance of the settlement of the estate of a deceased person, such Court shall have jurisdiction of the disposition and settlement of all the estate of such deceased person, to the exclusion of all other Probate Courts.

XV. The jurisdiction assumed by any Probate Court in any case, so far as it depends on the place of residence or the location of his estate, shall not be contested in any suit or proceeding whatever, except in an appeal from the Probate Court in the original case, or when the want of jurisdiction appears on the record.

XVI. When by law a guardian is required to be appointed of a minor, who is interested as heir or legatee, or representative of such heir or legatee, in any estate which is in a course of settlement, such guardian shall be appointed by the Probate Court for which such estate is in course of settlement; but afterwards, if the minor shall reside in another County, and is of the age of fourteen years, he may choose and have a guardian appointed in the County where he shall reside; and, in that case, the powers of the first guardian shall cease. In all other cases guardians shall be appointed by the Probate Court of the County where the person for whom the guardian shall be appointed shall reside.

XVII. The Probate Court by which a guardian shall be appointed shall have jurisdiction of the estate of the ward, and shall be alone authorized to permit the sale of such estate, and settle such guardian's accounts.

XVIII. Except as provided in the first Section, the Probate Court in each County shall appoint such times and places for holding courts as shall be judged most convenient for all persons interested, and shall give notice of such times and places in one or more newspapers circulating in the County.

XIX. The Probate Court shall be deemed open at all times for the transaction of ordinary business, which may be necessary when previous notice is not required to be given to the persons interested.

XX. A Probate Court may be adjourned, as occasion may require; and when the Judge is absent at the time for holding a Court the Clerk may adjourn it.

XXI. The Circuit Court shall have appellate jurisdiction of all matters originally within the jurisdiction of the Probate Court.

XXII. The Supreme Court shall have jurisdiction of all questions of law arising in the course of the proceedings of the Circuit Court in probate matters, in the same manner as provided by law in other cases.

XXIII. Any person interested in any order, sentence or decree of any Probate Court, and considering himself injured thereby, may appeal therefrom to the Circuit Court in the same County, at the stated session next after such appeal, and such appeal shall be granted by the Probate Court, if application be made and filed in the Clerk's office within fifteen days from the date of the decision appealed from.

XXIV. In all cases of appeal from the proceedings of the Probate Court, before such appeal shall be allowed, the person appealing shall give a bond to the satisfaction of the Probate Court, with a condition that he shall prosecute such appeal to effect, and pay all intervening damages and costs occasioned by such appeal.

XXV. In all cases of appeal, the appellant shall file in the Probate office his grounds of appeal, and cause a copy thereof to be served on the adverse party at least twelve days before the time when the appeal is to be entered in the Circuit Court.

XXVI. The person appealing shall procure and file in the Circuit Court to which such appeal is granted, a certified copy of the record of the proceedings appealed from, of the application and grounds for the appeal filed in the Probate Court, and of the allowance of the same, together with the proper evidence that notice has been given to the adverse party according to law.

XXVII. When an appeal, according to law, is allowed by the Probate Court, all proceedings in pursuance of the order, sentence or decree appealed from, shall cease until the judgment of the Circuit or Supreme Court is had; but if the appellant, in writing, waives his appeal before the entry thereof, proceedings may be had in the Probate Court as if no appeal had been taken.

XXVIII. When such certified copy shall have been filed in the Circuit Court, such Court shall proceed to the trial and determination of the question according to the rules of law; and if there shall be any question of fact or title to land to be decided, issue may be joined thereon under the direction of the Court, and a trial thereof had by jury.

XXIX. The Circuit Court or Supreme Court, as the case may be, may tax costs for the party who shall prevail; or when, in the opinion of the Court, justice shall require it, the Court may deny such costs, and may tax costs for either party; and if costs be taxed against an executor or administrator, the same shall be allowed to him in his administration account.

XXX. If the person appealing from the proceedings of the Probate Court, as provided in this Act, shall neglect to enter his appeal, the Circuit Court to which such appeal shall be taken, on motion, and producing attested copies of such appeal by the adverse party, shall affirm the proceedings appealed from, and may allow costs against the appellant.

XXXI. The final decision and judgment in cases appealed, as herebefore provided, shall be certified to the Probate Court by the Circuit Court or Supreme Court, as the case may be, and the same proceedings shall be had in the Probate Court as though such decision had been made in such Probate Court.

XXXII. No Judge of any Probate Court shall be admitted to have any voice in judging or determining any appeal from his decision, or be permitted to act as attorney or counsel thereon, or receive fees as counsel in any matter pending in the Probate Court of which he is Judge: Provided, It shall be lawful for Judges of Probate to practice law in other Courts in such cases as are not cognizable in Court of Probate.

XXXIII. All proceedings in the Court of Probate shall be commenced by petition to the Judge of Probate for the County to whom the jurisdiction of the subject matter belongs, briefly setting forth the facts or grounds of the application.

XXXIV. The Supreme Court may, from time to time, make rules regulating the practice and conducting the business in the Courts of Probate in all cases not expressly provided for by law.

XXXV. The County Commissioners of each County shall provide all books necessary for keeping the records, and all printed blanks and stationery used in proceedings in the Courts of Probate; also, a seal and necessary office furniture.

XXXVI. The Judge may keep order in Court, and punish any contempt of his authority in like manner as such contempt might be punished in the Circuit or Supreme Court.

XXXVII. When costs are awarded, to be paid by one party to the other, in the Courts of Probate, said Courts may issue execution therefor in like manner as is practiced in the Courts of common law; and when no form for a warrant or process is prescribed by statute or rules of Court, he shall frame one in conformity to the rules of law, and the usual course of proceedings in this State. Any Sheriff or Constable in the State shall execute the orders or processes of said Court in the same manner as the

orders or processes of the Circuit or Supreme Courts.

XXXVIII. The Judge of the Probate Court may commit to the Lunatic Asylum any idiot, lunatic or person non compos mentis, who, in his opinion, is so furiously mad as to render it manifestly dangerous to the peace and safety of the community that he or she should be at large; and also, in all such other cases provided by law. In all cases the Judge shall certify in what place the said person or persons resided at the time of the commitment, and such certificate shall be conclusive evidence of such residence.

XXXIX. All laws and parts of laws of the late Provisional Government of South Carolina relative to the powers, duties, and course of procedure of the Courts of Ordinary and Equity, as far as the jurisdiction of said Courts is herein conferred on the Courts of Probate, not inconsistent with the Constitution and this Act, or supplied by it, are hereby adopted and declared to be of force, and applicable to the Courts of Probate. All files, records and property of, or pertaining to, said Courts of Ordinary are forthwith, upon the qualification of the Judges of Probate elected in the several Counties, required to be transferred to the Courts of Probate established by this Act for said Counties. A receipt shall be given for said records and property by the several Judges of Probate, and a copy thereof shall be entered upon the records of their respective Courts.

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

L. BOOZER, President of the Senate. F. J. MOSES, JR., Speaker House of Representatives. Approved: R. K. SCOTT, Governor.

### SPECIAL NOTICES.

A MISERABLE SHAKER IS THE Victim to Fever and Ague. This tedious and enervating disease is, unfortunately, too well known to need a description. It is strictly a malarious disease, caused by exhalations from the soil, especially from marshes, swamps and newly cleared lands enumbered with decomposing vegetable matter. The chills is one of the most troublesome of maladies, as the patient, though he may not be confined to his bed, is incapable of action. The experience of years has demonstrated the fact that HOSTETTER'S STOMACH BITTERS is a sure means of fortifying the system against all atmospheric poison, breaking up the paroxysms and rapidly restoring the strength. Quinine, which has so long been the great remedy for chills, has been superseded by this powerful and harmless agent; while as a preventive it is unequalled, as its use will certainly exempt all who may live in unhealthy localities, from the ravages of this disease.

Hostetter's Stomach Bitters is now among the most popular, and at the same time, valuable specifics in the medical world. In recommending it to the public, we are fully conscious of doing them a great service, knowing, as we do, their many excellent qualities, and sure and speedy action in all cases where the disease is caused by irregularity of the digestive organs. As a tonic it is both mild and agreeable to the taste, and stimulating in its action upon the system. Oct 16 '68

"MANHOOD."—Another New Medical Pamphlet from the pen of Dr. Curtis. The Medical Times says of this work: "This valuable treatise on the cause and cure of premature decline shows how health is impaired through secret abuses of youth and manhood, and how easily regained. It gives a clear synopsis of the impediments to marriage, the cause and effects of nervous debility, and the remedies therefor." A pocket edition of the above will be forwarded on receipt of 25 Cents, by addressing Dr. Curtis, No. 58 North Charles street, Baltimore, Md. May 27 1y

### DIRECT IMPORTATION OF Earthenware.

THE subscriber has just received from the potteries in England, his supply of WHITE GRANITE and COMMON EARTHENWARE for the fall trade. Country dealers and housekeepers are invited to examine his stock. ALSO, A full stock of White and Gold Band DINNER and TEA WARE, and Fancy CHINA WARE. FRENCH, BOHEMIAN AND AMERICAN GLASSWARE, With a complete assortment of SILVER-PLATED GOODS, TABLE CUTLERY, JAPANNED and PLAINISHED WARE, and HOUSE-FURNISHING GOODS. Oct 22 '13 WM. B. STANLEY.

Candles and Soap. 100 BOXES ADAMANTINE AND SPERM CANDLES. 75 boxes SUPERFINE Washing and Toilet Soaps. For sale low by September 16 E. & G. D. HOPE.

## TO BE INSURED WITH H. E. NICHOLS & CO., IS A POSITIVE GUARANTEE!

SINCE the war, we have paid to our citizens, for Losses by Fire, about NINETY-TWO THOUSAND DOLLARS. Having thus saved that large sum to a community too reduced to lose it, we stand ready to save money, and we submit that the comfort and protection of the TWENTY MILLIONS OF DOLLARS we represent, is more than worth the small outlay necessary to secure it.

INSURE AND BE SAFE—FIRES WILL HAPPEN. We represent the following Companies, all of which occupy the very first rank in the insurance world.

QUEEN OF Liverpool and London	Assets, \$10,000,000 in Gold.
UNDERWRITERS' AGENCY, of New York	" 2,500,000
SECURITY	" 1,500,000
NORTH AMERICAN	" 700,000
HOME, of New Haven	" 2,000,000
PUNAM, of Hartford	" 700,000
UNION, of Baltimore	" 500,000
GEORGIA HOME, of Columbus, Georgia	" 400,000
ALBEMARLE, of Charlottesville, Virginia	" 400,000
SOUTHERN MUTUAL, of Athens, Georgia	" 400,000

H. E. NICHOLS & CO., Agents, OFFICE OVER AGNEW'S, COLUMBIA, S. C. 3mo8

### Charleston Advertisements.

WOOL, WOOL, WOOL. 5,000 LBS. Clean Washed WOOL, wanted for which we will pay 40 cents per pound, and upwards according to quality and quantity. Clean unwashed 28 cents, delivered at depot in Charleston. MOSES GOLDSMITH & SON. Oct 13 1mo

WINTHROP B. WILLIAMS, COTTON FACTOR and COMMISSION MERCHANT, Accommodation Wharf, Charleston, S. C. Sept 3 5mo

### CHARLESTON HOTEL, CHARLESTON, S. C.

THE undersigned having taken charge of the above well-known HOTEL, respectfully informs his friends and the traveling public that it has been REFURNISHED, in all of its departments. The table will, at all times, be supplied with the best Market affords, including every delicacy in season, while the cuisine will be unexceptionable. The Bath Rooms attached to the Hotel are supplied with the celebrated Artesian Water, and Hot, Cold or Shower Baths can be obtained at any time. The same attention will be paid to the comfort of the guests as heretofore, and travelers can rely upon finding the Charleston Hotel equal to any in the United States. The patronage of the traveling public is respectfully solicited. J. P. HORBACH, Agent. Jan 11 3mo Proprietor.

### THE CAROLINA HOUSE, LOCATED on Washington street,

next to Brennen & Carroll's, is now under the sole proprietorship of the undersigned. The best of everything, in the way of WINES, LIQUORS, ALE, SENGARS, TOBACCO, etc., kept on hand. LUNCH every day at 11 o'clock. Give him a call, and test the correctness of the assertion made above. June 19 RICHARD BARRY.

### State South Carolina—Richland Co. IN THE COURT OF PROBATE.

By William Hutson Wigg, Judge of Probate in Richland County.

WHEREAS, CELIA ANN HENDRIX hath applied to me for letters of administration on the Estate of THOMPSON HENDRIX, late of Richland, deceased. These are, therefore, to cite and admonish all and singular the kindred and creditors of the said deceased, to be and appear before me, at a Court of Probate for the said County, to be holden at Columbia, on the ninth day of November, 1868, at 10 o'clock A. M., to show cause, if any, why the said administration should not be granted. Given under my hand and seal of the Court, this twenty-third day of October, A. D. 1868, and in the ninety-third year of American independence. W. HUTSON WIGG, Judge Probate Court, Richland County. October 24 #2

### State South Carolina—Richland Co. IN THE COURT OF PROBATE.

By William Hutson Wigg, Judge of Probate in Richland County.

WHEREAS, SAMUEL GREEN hath applied to me for letters of administration on the estate of JACOB RIFE, late of Richland, deceased. These are, therefore, to cite and admonish all and singular the kindred and creditors of the said deceased, to be and appear before me, at a Court of Probate for the said County, to be holden at Columbia, on the sixth day of November, 1868, at 10 o'clock A. M., to show cause, if any, why the said administration should not be granted. Given under my hand and the seal of the Court, this twenty-third day of October, A. D. 1868, and in the ninety-third year of American independence. W. HUTSON WIGG, Judge of Probate Court, Richland Co. October 24 #2

### HENRY TAHIR, FRENCH PAINTER, HOUSE PAINTING and Decorating, Paper Hanging, &c., executed with neatness and despatch.

ALSO, PLASTERING and general House Repairing. Office on Boundary street, one square East of Main. July 26

### Wrapping Paper. 100 REAMS GROCER'S WRAPPING PAPER for sale at New York prices. E. & G. D. HOPE.

Stanley's Celebrated Cough Syrup. It still a great remedy, and very popular among the people. For twenty-five years, it has been known to cure more Coughs than any other remedy. For sale by FISHER & HEINTZSH, Druggists. Oct 24

### FISHER & LOWRANCE.



Carriage Materials. WE have largely increased our stock of CARRIAGE MATERIALS, and now offer the best selected stock, the greatest variety and at the lowest prices to be found in the city. Our prices are lower than the same goods can be purchased in Charleston. We have also opened a handsome assortment of Harness Mountings, which we offer at our usual low prices for cash. September 19 J. & T. R. AGNEW.

### JAMES CONNER'S SONS United States Type Foundry AND PRINTER'S WAREHOUSE. NOS. 28, 30 and 32 Centre street, (corner of Reade street,) New York. The type on which this paper is printed is from the above Foundry. Nov 18

IT IS OUR INTEREST TO SERVE YOU WELL. OFFICE WOODWARD, BALDWIN & CO. LIBERAL CASH ADVANCES MADE. IF PAID TO SHIP FOR HIGHEST PRICE! MARK E. COOPER, of Georgia, Agent, HARDY SOLOMONSON'S STORE, Baltimore! Liverpool! Cotton for Cotton for Cotton for New York! Baltimore! Liverpool!

### INDUSTRIAL ASSOCIATION. JUST received, new patterns of Dresses, Sacques, Capes and Overalls. Also, new Hoop Skirts. August 23

Fresh Crackers, Cheese, Butter, &c. 25 BARRELS FRESH CRACKERS, consisting of Soda Biscuit, Sugar Crackers, Egg Biscuit, Butter Crackers, Cream Crackers and Ginger Schnapps, 10 kegs Choice Goshen Butter, 25 boxes Prime Cheese, 100 Choice Sugar-Cured Hams, Together with a fresh supply of Rio, Java and Laguyra Coffee, Manocovado, Porto Rico and Refined Sugars, Candles, Soaps, Canned Fruits, Pickles, Extracts, Tobacco, Segars, &c. For sale at our usual low prices. J. & T. R. AGNEW.

### RICE! RICE!! 2 TIERCES OF PRIME CAROLINA RICE. For sale low for cash. August 8 FISHER & LOWRANCE.

THOMAS & BELL, BUILDERS AND CONTRACTORS. All work in the department of mechanical construction executed with promptness and skill. J. P. THOMAS. June 17 J. C. BELL.

Serofalia, or King's Evil, is cured by using Heintzsh's Queen's Ointment. Russia Gin Br. dists. DRESSED and undressed, for sale by FISHER & LOWRANCE.

D. W. HAWTHORNE, Broker and Commission Merchant, WASHINGTON S. C., and Honey Path, S. C., will attend to all business entrusted to his care at other place. August 13