

# THE DAILY



# PHENIX.

"Let our Just Censure

Attend the True Event."

BY J. A. SELBY.

COLUMBIA, S. C. SUNDAY MORNING, AUGUST 14, 1870.

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## CODE OF PROCEDURE--Continued.

It shall be the duty of the plaintiff procuring such warrant, within ten days after the issuing thereof, to cause the affidavits on which the same was granted to be filed in the office of the Clerk of the County, or with the Trial Justice, in which, or before whom, the action is to be tried.

Sec. 253. Before issuing the warrant, the Judge, Clerk or Trial Justice shall require a written undertaking, on the part of the plaintiff, with sufficient surety, to the effect that if the defendant recover judgment, or the attachment be set aside by the order of the court, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, which shall be at least two hundred and fifty dollars, except in case of a warrant issued by a Trial Justice, when it shall be at least twenty-five dollars.

Sec. 254. The warrant shall be directed to any Sheriff or Constable of any County in which property of such defendant may be, and shall require him to attach and safely keep all the property of such defendant within his County, or so much thereof as may be sufficient to satisfy the plaintiff's demand, together with costs and expenses, the amount of which must be stated in conformity with the complaint, together with costs and expenses. Several warrants may be issued at the same time to the Sheriffs or Constables of different Counties.

Sec. 255. The Sheriff or Constable to whom such warrant is directed and delivered, shall immediately attach all the real estate of such debtor, and all his personal estate, including money and bank notes, except such real and personal estate as is exempt from attachment, levy or sale by the Constitution; and shall take into his custody all books of account, vouchers and papers relating to the property, debts, credits and effects of such debtor; together with all evidences of his title to real estate, which he shall safely keep, to be disposed of as hereinafter directed.

When real estate is attached, a true and attested copy of such attachment, together with a description of the real estate attached, shall be by the officer serving the same, delivered to the party whose real estate is attached, or left at his last and usual place of abode; and the officer making such service shall also leave a true and attested copy of such attachment, together with a description of the real estate so attached, in the office where by law a deed of such real estate is required to be recorded; and if the party whose estate is attached does not reside in this State, then such copy shall be delivered to his tenant, agent or attorney, if any be known; and if no such agent, tenant or attorney be known, then a copy of such warrant of attachment, with the officer's return thereon, lodged in the office where, by law, a deed of such real estate ought to be recorded, shall be deemed sufficient service. It shall be the duty of the clerk or register of the office wherein said warrant of attachment is required to be lodged to receive the same, and enter in a book kept for that purpose the names of the parties, the date of the warrant of attachment, the sum demanded, and the officer's return thereon. Said attachment shall be a lien, subject to all prior liens, and bind the real estate attached from the date of lodgment: *Provided*, That all attachments lodged upon the same day shall take rank together.

Sec. 256. He shall, immediately, on making such seizure, with the assistance of two disinterested freeholders, make a just and true inventory of all the property so seized, and of the books, vouchers and papers taken into his custody, stating therein the estimated value of the several articles of personal property, and enumerating such of them as are perishable, which inventory, after being signed by the sheriff and the appraisers, shall, within ten days after such seizure, be returned to the officer who issued the warrant; and the sheriff or constable shall, under the direction of such officer, collect, receive and take into his possession all debts, credits, and effects of such debtor, and commence such suits, and take such legal proceedings, either in his own name or in the name of such debtor, as may be necessary for that purpose, prosecute and discontinue the same at such times and on such terms as the court may direct. The property so seized, or the proceeds of such as shall have been sold, and debts collected, shall be kept to answer any judgment which may be obtained in such action.

Sec. 257. If any property so seized shall be perishable, or if any part of it be claimed by any other person than such defendant, or if any part of it consist of a vessel, or of any share or interest therein, the same proceedings shall be had in all respects as are provided by law upon attachments against absent debtors.

Sec. 258. The rights or shares which such defendant may have in the stock of an association or corporation, together with the interest and profits thereon, and all other property in this State of such defendant, except that exempt from attachment by the constitution, shall be liable to be attached and levied upon, and sold to satisfy the judgment and execution.

Sec. 259. The execution of the attachment upon any such rights, shares, or any debts or other property incapable of manual delivery to the sheriff or constable shall be made by leaving a certified copy of the warrant of attachment with the president or other head of the association or corporation, or the secretary, cashier, or managing agent thereof, or with the debtor or individual holding such property, with a notice showing the property levied on.

Sec. 260. Whenever the sheriff or constable shall, with a warrant of attachment, or execution against the defendant, apply to such officer, debtor, or individual, for the purpose of attaching, or levying upon such property, such officer, debtor, or individual shall furnish him with a certificate under his hand, designating the number of rights or shares of the defendant in the stock of such association or corporation, with any dividend or any incumbrance thereon, or the amount and description of the property held by such association, corporation, or individual, for the benefit of or debt owing to the defendant. If such officer, debtor, or individual refuse to do so, he may be required by the Court or Judge to attend before him, and be examined on oath, concerning the same, and obedience to such order may be enforced by attachment.

Sec. 261. In case judgment be entered for the plaintiff in such action, the sheriff or constable shall satisfy the same out of the property attached by him, if it shall be sufficient for that purpose.

1. By paying over to such plaintiff the proceeds of all sales of perishable property, and of any vessel, or share, or interest in any vessel, sold by him, or of any debts or credits, collected by him, or so much as shall be necessary to satisfy such judgment.

2. If any balance remain due, and an execution shall have been issued on such judgment, he shall proceed to sell, under such execution, so much of the attached property, real or personal, except as provided in sub-division four of this section, as may be necessary to satisfy the balance, if enough for that purpose shall remain in his hands; and in case of the sale of any rights or shares in the stock of a corporation or association, the sheriff or constable shall execute to the purchaser a certificate of sale thereof, and the purchaser shall thereupon have all the rights and privileges in respect thereto which were had by such defendant.

3. If any of the attached property belonging to the defendant shall have passed out of the hands of the sheriff or constable without having been sold or converted into money, such sheriff or constable shall repossess himself of the same, and for that purpose shall have all the authority which he had to seize the same under the attachment; and any person who shall wilfully conceal or withhold such property from the sheriff or constable shall be liable to double damages, at the suit of the party injured.

4. Until the judgment against the defendant shall be paid, the sheriff or constable may proceed to collect the notes and other evidences of debt, and the debts that may have been seized or attached under the warrant of attachment, and to prosecute any bond he may have taken in the course of such proceedings, and apply the proceeds thereof to the payment of the judgment.

At the expiration of six months from the docketing of the judgment, the court shall have power, upon the petition of the plaintiff, accompanied by an affidavit setting forth fully all the proceedings which have been had by the sheriff or constable since the service of the attachment, the property attached, and the disposition thereof, and also the affidavit of the sheriff or constable that he has used diligence and endeavored to collect the evidences of debt in his hands so attached, and that the remains uncollected of the same any part or portion thereof, to order the sheriff or constable to sell the same, upon such terms and in such manner as shall be deemed proper.

Notice of such application shall be given to the defendant or his attorney, if the defendant shall have appeared in the action. In case the summons has not been personally served on the defendant, the court shall make such rule or order, as to the service of notice and the time of service, as shall be deemed just.

When the judgment and all costs of the proceedings shall have been paid, the sheriff or constable, upon reasonable demand, shall deliver over to the defendant the residue of the attached property, or the proceeds thereof.

Sec. 262. The actions herein authorized to be brought by the sheriff or constable may be prosecuted by the plaintiff, or under his direction, upon the delivery by him to the sheriff or constable of an undertaking executed by two sufficient sureties, to the effect that the plaintiff will indemnify the sheriff or constable from all damages, costs and expenses on account thereof, not exceeding two hundred and fifty dollars in any one action. Such sureties shall, in all cases, when required by the sheriff or constable, justify by making an affidavit that each is a householder, and worth double the amount of the penalty of the bond, over and above all demands and liabilities.

Sec. 263. If the foreign corporation, or absent or absconding or concealed defendant, recover judgment against the plaintiff in such action, any bond taken by the sheriff or constable, except such

as are mentioned in the last Section, all the proceeds of sales and moneys collected by him, and all the property attached remaining in his hands, shall be delivered by him to the defendant, or his agent on request, and the warrant shall be discharged, and the property released therefrom.

Sec. 264. Whenever the defendant shall have appeared in such action, he may apply to the officer who issued the attachment, or to the court, for an order to discharge the same; and if the same be granted, all the proceeds of sales and moneys collected by him, and all the property attached remaining in his hands, shall be delivered or paid by him to the defendant or his agent, and released from the attachment.

And where there is more than one defendant and several property of either of the defendants has been seized by virtue of the order of attachment, the defendant whose several property has been seized, may apply to the officer who issued the attachment for relief under this Section.

Sec. 265. Upon such application, the defendant shall deliver to the court or officer an undertaking executed by at least two sureties, who are resident and free-holders or house-holders in this State, approved by such court or officer, to the effect that such sureties will, on demand, pay to the plaintiff the amount of judgment that may be recovered against the defendant in the action, not exceeding the sum specified in the undertaking, which shall be at least double the amount claimed by the plaintiff in his complaint. If it shall appear by affidavit that the property attached be less than the amount claimed by the plaintiff, the court, or officer issuing the attachment, may order the same to be appraised, and the amount of the undertaking shall then be double the amount so appraised. And in all cases the defendant may move to discharge the attachment, as in the case of other provisional remedies.

And where there is more than one defendant, and several property of either of the defendants has been seized by virtue of the order of attachment, the defendant whose several property has been seized may deliver to the court or officer an undertaking, in accordance with the provisions of this Section, to the effect that he will, on demand, pay to the plaintiff the amount of judgment that may be recovered against such defendant. And all the provisions of this Section applicable to such undertaking shall be applied thereto.

Sec. 266. When the warrant shall be fully executed or discharged, the Sheriff or Constable shall return the same, with his proceedings thereon, to the Court in which the action was brought.

## CHAPTER V.

### PROVISIONAL REMEDIES.

SECTION 267. A receiver may be appointed—

1. Before judgment, on the application of either party, when he establishes an apparent right to property which is the subject of the action, and which is in the possession of an adverse party, and the property, or its rents and profits, are in danger of being lost, or materially injured or impaired; except in cases where judgment upon failure to answer may be had without application to the Court.

2. After judgment, to carry the judgment into effect.

3. After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or when an execution has been returned unsatisfied, and the judgment debtor refuses to apply his property in satisfaction of the judgment.

4. In the cases provided in this code, and by statute, when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights; and in like cases, of the property within this State of foreign corporations. Receivers of the property within this State of foreign corporations shall be allowed such commissions as may be fixed by the Court appointing them, not exceeding five per cent. on the amount received and disbursed by them.

5. In such other cases as are now provided by law, or may be in accordance with the existing practice, except as otherwise provided in this Act.

When it is admitted, by the pleading or examination of a party, that he has in his possession or under his control any money or other thing capable of delivery, which, being the subject of litigation, is held by him as trustee, for another party, or which belongs or is due to another party, the Court may order the same to be deposited in Court, or delivered to such party, with or without security, subject to the further direction of the Court.

[CONTINUED IN OUR NEXT.]

## Quaker Liniment a Household Remedy

It cures Aches and Pains of all kinds, internal and external. This QUAKER LINIMENT is the best medicine in the world for Rheumatism, Neuralgia, Sore Throat, Toothache, Pains in Back, Face-ache, Swellings, Sprains, Bruises, Snake Bites, Stings of Insects, for Cramp in the Stomach, Cholera, Colic, Sick Stomach, Summer Complaints. Prepared only by E. H. HEINTZ, Chemist, Columbia, S. C.

## Bordeaux Wine Vinegar.

5 BBL. FINE FRENCH WHITE WINE and OLDER VINEGAR, for sale by E. HOPE.

## GEO. HUGGINS' INSURANCE AGENCY.

ESTABLISHED IN COLUMBIA, S. C., 1819.

Old and Wealthy Companies Represented.

AGGREGATE CAPITAL OVER \$25,000,000!

## FIRE DEPARTMENT.

Etna Fire Insurance Company OF HARTFORD, CONN.

Chartered 1819—Charter Perpetual.

ASSETS \$6,000,000.

Imperial Fire Insurance Co. of London,

Chartered 1803.

ASSETS \$8,000,000 in Gold.

This Company insures against Fire only.

No Marine or Life risks taken, as in most Foreign Insurance Companies.

Manhattan Fire Ins. Co., of New York,

Chartered 1821.

The oldest Fire Insurance Company in the

City of New York.

ASSETS \$1,400,000.

Phenix Fire Ins. Co., of Brooklyn, N. Y.

Chartered 1853.

Assets \$2,000,000.

POTNAM FIRE INS. CO., of Hartford, Conn.

Chartered 1864.

Assets \$700,000.

UNION FIRE INS. CO., of San Francisco, Cal.

Chartered 1865.

Assets \$1,200,000 in Gold.

Policies issued payable in Gold or

Currency.

## LIFE DEPARTMENT.

KNICKERBOCKER LIFE INSURANCE CO.,

of New York.

Chartered 1853.

Assets \$7,500,000.

The above Companies have each made the

deposit of South Carolina State Bonds, with

the Comptroller-General of the State, as required by the Act of the General Assembly.

The undersigned has conducted the business of this Agency for the last twenty-one

years, during which period no case of litigation with any claimant has ever occurred.

RISKS TAKEN IN COLUMBIA

AND

UPPER COUNTIES OF THE STATE.

All Claims for Losses

Adjusted and Paid

AT THIS AGENCY.

GEORGE HUGGINS, AGENT,

Office under the "Columbia Hotel,"

In rear of Messrs. Duffie & Chapman's,

Columbia, S. C.

GEORGE HUGGINS, Notary Public,

Aug 9 Am COLUMBIA, S. C.

South Carolina Bank and Trust Co., OF COLUMBIA, (In Building formerly occupied by Carolina National Bank.)

BUY, SELL and EXCHANGE all issues of GOVERNMENT BONDS, at current market rates, also COIN and COUPONS, and execute orders for the purchase and sale of Gold, and all first-class securities, on commission. ISSUE CERTIFICATES OF DEPOSIT, payable on demand, or at fixed date, bearing interest, and available in all parts of the United States.

ADVANCES made to our dealers, on approved collateral, at market rates of interest. COLLECTIONS made everywhere in the United States, Canada and Europe, and Exchange bought and sold.

Dividends and Coupons collected. HARDY SOLOMON, President. J. C. ROATH, Cashier. June 29 3mo

## California Wines.

TO encourage the consumption of the genuine unadulterated CALIFORNIA CHAMPAGNES, we have reduced the prices of the same to the following low prices for cash only, viz:

Quarts, per Case of 1 Dozen, \$13.00.  
Pints, per Case of 2 Dozen, 14.00.  
Sparkling Angelica, per case of 2 Dozen, 14.00.  
Sparkling Catawba, per case of 2 Dozen, 14.00.  
Together with a full assortment of Choice Rye Whiskies, Genuine Old Brandies, Old Pot, Sherry and Madeira Wines, Holland Gin, Rum, and Rectified Liquors, which are constantly on hand and for sale at low figures, by July 9 J. & T. R. AGNEW.

## The Office

OF the Executive Committee of the Union Reform Party is over the Savings Bank. All persons friendly to the cause, will have access to the room at any time of the day, where they can see the papers, and get the news. Office hours from 9 to 11 a. m. and from 5 to 6 p. m. E. W. REIDELS, Sec. and Treas. Ex. Com. July 23

## Guns and Ammunition.

JUST received by William Glaze, fine English BREECH-LOADING GUNS, fine English Powder, in Canisters, Shot and Caps, of all ind. One door North of Messrs. Scott, Williams & Co.'s Banking House. Dec 16

## Pine-Bud Cordial.

Manufactured by R. BARRY & CO., COLUMBIA, S. C. THIS delicious CORDIAL is made from the young buds of the Pine, and its use we confidently recommend to those who suffer from Throat and Lung Diseases, as well as those who suffer from Rheumatism and Disorders of the Kidneys.

## BLACKBERRY CORDIAL.

Manufactured by R. Barry & Co. This CORDIAL is made from the fruit of the "Bitter, or High Bush Blackberry," and is very fine. The valuable properties of the Blackberry are well known.

## Mint Cordial.

Manufactured by R. Barry & Co. This Cordial is made from the fresh plant. The use of Mint as a Stomachic and Antispasmodic, is known to all.

We offer to the public the above Cordials. They are our own manufacture, and are made from the best materials. The spirit used is that from the grape; (we use no other); the sugar is the finest refined, and the other ingredients are all fresh and pure. These Cordials are entirely free from drugs and the essential oils, so much used at the present day in the manufacture of Cordials, Bitters and Liqueurs. The Blackberry is slightly spiced; the others are without spice.

Independent of their medicinal qualities, these Cordials will be found grateful and pleasant as beverages or light stimulants. Cordials should not be used before the morning meal. R. BARRY & CO.

## CLOTHING Must be Sold!!

WE have about \$10,000 in CLOTH-

ING, more than we can realize on

this Spring, and we are anxious to

get rid of some of it, and will sell

VERY CHEAP for that purpose.

Our stock is the largest, in our

line, that has ever been brought

to this city. Handsome Goods,

and bought right. Large line of

BOYS AND CHILDREN'S STRAW

HATS AND CLOTHING. New

styles of MEN'S "VENTILATOR

HATS."

Best Fitting SHIRTS. It is now

generally admitted that we are

making to order THE FINEST

CUSTOM-MADE GARMENTS IN

THE STATE. Call and examine

for yourselves. R. & W. C. SWAFFIELD.

## Watches and Jewelry Repaired

IN the best manner, by first class workmen, and warranted. ENGRAVING finely executed. Dec 16 WILLIAM GLAZE.

## Magic Chafing Powder.

"The Nurse's Friend." FOR the instant cure of CHAFING and SCALDING of Children and Adults. ALSO, A certain relief for BURNS, SCALDS, Irritation of the Skin, Galls, Inflammations, Abrasions, and all Cutaneous Diseases. For sale by E. H. HEINTZ, Druggist. July 8

## Fresh Crackers.

FAMILY PACKAGES ASSORTED CRACKERS, consisting of Milk, Cream, Egg, Butter, Boston and Lemon Crackers. ALSO, Fresh Sugar, Butter, Soda, Lemon and EGG CRACKERS, just received and for sale at wholesale and retail, by June 28 J. & T. R. AGNEW.

## Lard! Lard!!

20 TUBS Refined LARD, at 16c. 7 lb., by the package, 50 Packages Pure Leaf Lard, in Barrels, Half Barrels, Kegs, Caddies, etc., just received and for sale by J. & T. R. AGNEW. July 21

There are periods of epidemic in crime as there are in public health. The statistical enquiry of this country is not sufficiently classified and organized to descend to all the details of social life. But in Europe it has been found that, abnormal and capricious as death by violence might be presumed, it is subject, if not to an ascertained law, at all events to a calculable ratio of probability. In proportion to population there is a certain average of crime, and its infrequency at one period is balanced by its excess at another. Even the very manner of the taking off has its ratio, while the motives of poverty and ignorance remain pretty uniform. The freshest of crime just at this moment is only an instance of periodicity, and as for the increase of depravity, call it rather the increase of population and the more rapid picking up and diffusion of news items.

Congress will have no further trouble with the justly-expelled Representative Whittemore, of South Carolina, that person having given up his announced intention of once more appealing to the fellow-citizens of his District for Congressional honors. Having reigned his Washington aspirations, Whittemore by no means contemplates a retirement from public life, but turns up anew as a candidate for the Senate of South Carolina. It is to be hoped that he will be defeated; but should he prove successful, the question will arise: Is a man pronounced unworthy to sit in Congress eligible to a seat in a State Legislature? And to this pertinent, though vexed query, the Senate of South Carolina must give an answer. [Philadelphia Inquirer.]

INFANT TORN TO PIECES BY HOGS.—In Fredonia, Crawford County, Indiana, a few days ago, the little daughter of Daniel Duffen, aged three years, while playing near the door of its parents, was seized by a voracious hog and dragged off. Several other hogs ran to the infant and commenced tearing it to pieces. The endeavors made by the mother of the child to rescue it were unsuccessful, but some gentlemen passing finally rescued it. Not a shred of clothing was left on the body. In several places, great chunks of flesh were literally torn out, leaving deep, gaping wounds. There were twenty-two frightful cuts and bites upon the child's person. After lingering several days, the child died.

The attack of the Crown Prince at Weissenburg seems to have been a complete surprise. General Donay knew nothing of his danger until the Prussian artillery began to play upon him. Then the French account says he was outnumbered; but that he was so more discreditable to the French than any other blunder of the campaign.

On last Friday, a colored man, named Nat Scott was drowned in Black Mingo Creek, by the accidental capsizing of a canoe. The jury of inquest rendered a verdict in accordance with these facts.

## Special Notices.

The Life-Sustaining Principle.—The vital and the muscular systems are entirely distinct from each other. A man may have the brawn of a Hercules, but if he is deficient in vital energy, he will not wear as well, or last as long or be as healthy and happy while he does last, as the man of ordinary, or even slender build, who possesses a larger share of this animating principle. One of the greatest recommendations of that pure vegetable invigorant, HOSTETTER'S STOMACH BITTERS, is that it increases the vital force of the system. No medicine can double the volume of a man's muscles, or thicken and vulcanize his tendons and sinews; but Hostetter's Bitters has an effect much more important. It uses promotes constitutional vigor. It reinforces the life-power, of which bone and sinew and muscle are merely the instruments, holding the same relation to it that machinery does to steam. Let the slight and apparently fragile take heart, they may have more stamina, though far less physical strength, than the broad-shouldered athletes they regard with envy. To restore, to sustain, to increase this staminal principle, which, when in full supply, is the source of health and the best guarantee of longevity, is a special property of the famous restorative. It is not only a specific for dyspepsia, biliousness, intermittent fevers, constipation, &c., and a preventive of all diseases of a malarious character, but the best of all medicines for strengthening the constitution and awakening the powers of nature from whatever cause they may have become lethargic. Aug 3 46

CHOLERA!—The following letter is from Mr. Woodward, of St. Louis, to J. N. Harris, Esq., of New London, Conn. Mr. W. is a gentleman of high respectability, and during the prevalence of the cholera in St. Louis, watched the result of the application of the Pain Killer for this disease, and his testimony can be relied upon with the utmost confidence:

DEAR SIR: You recollect when I saw you in January last, my expressing to you my sanguine expectations that Davis' PAIN KILLER would have a tremendous sale in the West this season, and my anticipations have been more than realized, and the testimony of thousands who have used it has been that they would not be willing to go to bed at night without it in the house.

On the appearance of the cholera in this city, such was the confidence in the Pain Killer as a remedy, that many who purchased it remarked to me that they had no fears or dread of the cholera, as long as they had the Pain Killer by them, and hundreds took it daily as a preventative, for no person can have a derangement of the bowels or diarrhoea, if they use this medicine. This was the security and confidence of hundreds acquainted with it, and when their friends were attacked with the Cholera, they would administer the remedy in large quantities, and in every case when it has been taken in any of the first stages of this disease, it has proved successful.

I consider it an infallible remedy. I have not heard of any individual in any family who used the Pain Killer when attacked, but speedily recovered.

The clerk informed me that he administered it to persons when cold or in the cramps, and it gave immediate relief, but still it should be given quickly, for when the discharge of "rice water" has begun, the hope of life has fled. Should this disease make its appearance among you, as in all probability it will, be not alarmed; you and all others there have the remedy, and I am confident if the Pain Killer is used, not a single death by cholera will occur in your city. Respectfully yours, A. T. WOODWARD.

The Pain Killer is sold by all dealers in Family Medicines. Aug 2 46mo