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Tri-Weekly \$5 a Year

BY JULIAN A. SELBY

COLUMBIA, S C., FRIDAY MORNING, OCTOBER 16, 1868.

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PHŒNIX BY JULIAN A. SELBY EDITOR AND PROPRIETOR.

Office on Main street, a few doors above Taylor (or Camden) street,

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Acts Passed at the Late Session of the Legislature.

AN ACT TO REGULATE ATTACHMENTS.

I. Be it enacted by the Senate and State State

House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the au-thority of the same, In an action for the recovery of money against a cor-position created by or under the laws of any other State, Government or country, or against a defendant who is not a resident of this State, or against a defendant who has absconded or concealed himself, or whenever any person or corporation is about to remove any of his or its property from this State, or has assigned, disposed of or secreted, or is about to assign, dispose of or secrete, any of his or its property, with intent to defraud creditors, as hereinafter mentioned, the plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of such defendant or corporation attached, in the manner hereinafter prescribed, as a security for the satisfaction of such judgment as the plaintiff may recover.

II. A warrant of attachment must be obtained from a Judge, Justice of the Peace, Mugistrate, or Clerk of a Court in which or before whom the action is brought. sconded or concealed himself, or

court in which or before whom the action is brought.

III. The warrant may be issued whenever it shall appear by affidavit that a cause of action exists against such defendant, specifying the amount of the claim and the grounds thereof, and that the defendant is either a foreign corporation or not either a foreign corporation or not a resident of this State, or has depart-ed therefrom with intent to defraud ed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent, or that such corporation or person has removed, or is about to remove, any of his or its property from this State, with intent to defraud his or its creditors, or has assigned, disposed of or secreted, or is about to assign, dispose of or secrete, any of his or its property, with like intent, whether such defendant be a resident of this State or not. 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

all books of account, vouchers and papers relating to the property, debts, credits and effects of such

credits collected by him, or so much as shall be necessary to satisfy such debtor, together with all evidences of his title to real estate, which he shall safely keep, to be disposed of as hereinafter directed.

VII. He shall, immediately on making such seizure, with the assistance of two disin'erested free-holders, 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 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 shall where and discontinue the same at such times and such terms as the Court may direct. The property so grized or the warrant that the same at such times and such terms as the Court may direct. The property so grized or the warrant that the same at such times and such terms as the Court may direct. The property so grized or the warrant to the same and sociated of such debtod of the same and such terms as the court may direct. The property so grized or the warrant to the such as the court may direct. The property so grized or the warrant to the same and sociated or the same and sociated or the same and such terms as the court may direct. The property so grized or the warrant to the same and sociated or the same and socia

by such officer, which proceeds shall be disposed of in the same manner as the property so sold would have been, if it had remained unsold.

IX. If any goods or effects seized as the property of the debtor shall be claimed by or in behalf of any other person as his property within two days after the appraisement of such property, as set forth in Section 7 of this Act, the claimant or his agent may execute a bond to the Sheriff, with sureties to be approved by him, in a penalty double the amount of such appraised value, conditioned that in a suit to be brought on such bond, the claimant will establish that he was the owner of said property at the time of the seizure; and in case of his failure to do so, that he will pay the amount of such valuation, with interest from the date of the bond. Upon such bond being executed and delivered to the Sheriff, he shall discharge said property from the attachment: Protection for the recovery of such property or the value thereof.

X. The rights or shares which such defendant may have in the stock of any association or corporation, together with the interest and profits gether within the defendant he residue of the attached property or the proceeds thereof.

XIV. The actions herein authorized to be brought the residue of the attached property or the proceeds thereof.

XIV. The actions herein authorized to be brought the Sheriff any matched the plaintiff, or under his direction, shall deliver over to the defendant the residue of the attached property or the proceeds by the Sheriff for all damages, costs and expenses on account thereof, not e

any association or corporation, to-gether with the interest and profits thereon, and all other property in this State of such defendant, shall be

ment, levy or sale by the Constitu-tion; and shall take into his custody all books of account, vouchers and papers relating to the property, and of any debts or credits collected by him, or so much as shall be necessary to satisfy such

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 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.

VIII. If any of the property so seized be perishable, the Sheriff shall sell the same at public auction, under an order of the officer who issued the warrant, and shall retain in his hands the proceeds of such sale, after deducting his expenses, to be allowed by such officer, which proceeds shall be disposed of in the same manner as the property so sold would have been, if it had remained unsold.

IX. If any goods or effects seized as the property of the debtor shall be claimed by or in behalf of any other person as his property within two days after the appraisement of such property, as set forth in Section 7 of this Act, the claimant or his agent may execute a bond to the Sheriff, with sureties to be approved by him, in a penalty double the amount of such appraised value, and to prosecuted by two sufficient tiff will indemnify the Sheriff or all damages, costs and expenses on active the the fourth same under the attachment; and any person who shall wilfully conceal or withhold such property from the Sheriff 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 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 proceeds shall be disposed of in the same manner as the property so sold would have been paid, the Sheriff may looked the proceeds shall be demand, shall deliver over to the defendant the residue of the attached under the warrant of attachment; and to prosecute any bond he may have taken in the course

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.

any association or corporation, to respect of reserved, any of his of is proporty with this interest and profile or secrete, any of his of is proporty with this interest and profile or in the proporty with this interest and profile or in the proporty with the interest and profile or in the proporty with the interest and profile or in the proporty with the interest and profile or individual holding and a profile or individual holding and awarded to the effect that if the destroy of the section of the section is the patient of the proporty with an otice showing the avarded to the effect data and and the proporty with an otice showing the property with an otice showing the warm of the property of method for or individual holding and awarded to the defendant, and almaged which he may sustain by resiston of the attachment, not codefing the same president in the unit of the proporty of such defendant, and almaged which he may sustain by resiston of the attachment, not codefing the same president in the unit of the property with a notice showing the property of such defendant and admitted to the defendant, and almaged which he may sustain by resiston of the attachment, not codefing the same president in the unit of the property of such defendant with the plant of the plantiff, will not be a property of such defendant with the property, such office of such a such as a property of such defendant and admitted to the propose of attaching or love and the property of such defendant with the plantiff of such a property of such defendant to a such a such as a property of such defendant to the property defendant and and such as a property of such defendant to the property defendant and and such as a property of such defendant to the property defendant and and such as a property of such defendant to the property defendant and and such as a property of such defendant to a such as a property of such defendant to a such as a property of such defendant to a such as a property of such defendant to a such as a property of such defend

and the several property of either of the defendants has been seized by virtue of the order of attachment, the defendant, whose several proper-ty 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 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.

be applied thereto.

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

XIX. The fees and compensation of the Sheriff for services under this Act shall be assimilated to those now allowed by law for similar or equive.

allowed by law for similar or equiva-

lent services.

XX. Distress for non-payment of rent, as heretofore existing, is abolished. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

In the Senate House, the twenty-fourth 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.

AN ACT TO PUNISH DISCRIMINATION IN THE TREATMENT OF PRISONERS BY

THE TREATMENT OF PRISONERS BY JAILERS AND SHERIFFS.

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, That from and after the passage of this Act, it shall be unlawful for Sheriffs or Jailers to make any discrimination in the treatment of prisoners placed in their custody.

custody.

II. Every violation of this Act shall be a misdemeanor, and upon conviction thereof the party convicted shall be fined not less than twenty-five dollars, and imprisoned for not less than one month, nor more than twelve months.

in the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hunderd and sixty-eight.

L. BOOZER,
President of the Senate.
FRANKLIN J. MOSES, Jr.,
Speaker House of Representatives.
Approved:

Approved:

R. K. Scott, Governor.

SPECIAL NOTICES.

A MISERABLE SHAKER IS THE lictim 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 encumbered with decomposing vegetable matter. The chills is one of the most

Goods Down

the

In sympathy with Staple, all GOODS have

declined, and our system of QUICK SALES and weekly

arrival of FRESH GOODS, places us in position to give

our PATRONS the full and

undivided benefit of the re-

cent decline.

We are handling a rapidly increasing and very flatter-

ing BUSINESS, but desire to add to it; and are earnest

bidders for a CHANCE at

every BUYER who comes

to Columbia, relying upon

the moderate prices we ask, and our rigid system of fair-

ness, to make us friends.

We will not at present enumerate any articles, as a mere glance into our

Large Room,

Will satisfy that we are full on every LINE OF GOODS that belong to the trade.

We are doing a good JOBBING BUSINESS With the adjacent country and city

Merchants,

And are paying especial attention to the trade.

We can benefit any Merchant buying here in our

R. C. SHIVER.

October 12