

# THE DAILY PHOENIX.



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Attend the True Event."

Tri-Weekly \$5 a Year

BY JULIAN A. SELBY.

COLUMBIA, S. C., SUNDAY MORNING, OCTOBER 18, 1868.

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**THE PHOENIX.**  
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**THE CLEANER.**  
EVERY WEDNESDAY MORNING.  
BY JULIAN A. SELBY.

EDITOR AND PROPRIETOR.  
Office on Main street, a few doors above Taylor (or Camden) street.

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[OFFICIAL.]  
Acts Passed at the Late Session of the Legislature.

AN ACT TO DECLARE THE MANNER BY WHICH THE LANDS, OR THE RIGHT OF WAY OVER THE LANDS, OF PERSONS OR CORPORATIONS MAY BE TAKEN FOR THE CONSTRUCTION AND USES OF RAILROADS AND OTHER WORKS OF INTERNAL IMPROVEMENT.

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 whenever any person or corporation shall be authorized by charter to construct a railway, canal, turnpike, or other public highway in this State, such person or corporation, before entering upon any lands for the purpose of construction, shall give to the owner thereof, (if he be sui juris,) notice, in writing, that the right of way over said lands is required for such purpose, which notice shall be given at least thirty days before entering upon said lands; and if such notice shall be given, and the owner shall not, within the period of thirty days after service of said notice, signify in writing his refusal or consent, it shall be presumed that such consent is given; and such person or corporation may, thereupon, enter upon said lands: Provided, however, That the owner of said lands may be entitled to more for an assessment of compensation, in the manner hereinafter directed.

II. That if the owner of the lands shall signify his refusal of consent to entry upon his lands without previous compensation, the person or corporation requiring such right of way shall apply, by petition, to the Circuit Judge of the County wherein such lands are situated for the empanelling of a jury to ascertain the amount which shall be paid as just compensation for the right of way required, in which petition shall be set forth a description of the lands, the names of the owner or owners, the purposes for which the lands are required, and such other facts as may be deemed material. On the hearing of such petition, the Circuit Judge shall order the same to be filed in the office of the Clerk of the Court of Common Pleas for said County, and shall further order the Clerk of the Court to empanel a jury of twelve to ascertain the compensation for the use of lands required; and it shall be the duty of the said Clerk, immediately on receiving such order, to give to the owner of the lands notice thereof in writing, and of the day which shall be assigned for the drawing of the jury, which notice shall be served at least five days before the day assigned. On the day assigned, the said Clerk, in the presence of the parties, if they shall attend, shall select the names of twenty-four disinterested freeholders of the County, and from that number shall draw the names of twelve to act as jurors, and shall cause those so drawn to be forthwith summoned to meet at such place and at such time as he may assign, for the purpose of examining the said lands and ascertaining the compensation to be made for the right of way over the same; it shall further be the duty of the said Clerk, in person or by his deputy, to attend at the same time and place for the purpose of organizing the jury, and he shall have power to summon from the vicinage other disinterested freeholders to act as jurors in the stead of any of those first summoned who shall fail to attend, or who shall be objected to by either party on the ground of disqualification on account of interest.

III. That the jury so empaneled, after first being sworn faithfully and impartially to determine the question of compensation submitted to them, shall proceed to inspect the premises and to take testimony in reference to the construction of the proposed highway, and the quantity of land which shall be required therefor; and irrespective of any benefit which the owner may derive from the proposed highway, and with respect alone to the quantity and value of the lands which may be required, and to the special damage which the owner may sustain by reason of the construction of the highway through his lands, they shall ascertain the amount of compensation which shall be made to the owner thereof, and shall render their verdict in writing for the same.

IV. That from the verdict so rendered it shall be the right of either party to appeal to the first term of the Circuit Court next ensuing in the County, giving to the opposite party fifteen days' notice of such intended appeal, with the grounds thereof; and upon the hearing of such appeal, if the Court shall be satisfied of the reasonable sufficiency of the grounds, an issue shall be ordered, in which the appellant shall be the actor, and the question of compensation shall be thereupon submitted to a jury in open Court, whose verdict shall be final and conclusive, unless, on writ of error, a new trial shall be ordered by the Supreme Court. But in no case of appeal shall the progress of the work of construction be stayed: Provided, The person or corporation requiring the right of way shall deposit with the Clerk of the Court the amount of the verdict from which the appeal is taken.

V. That whenever any lands shall be required for the location of depots, stations, turnouts, section-houses, or other necessary uses of a highway, and from want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner, the same may be taken at an assessed valuation, to be made by a jury in like manner as hereinbefore directed for ascertaining the compensation for right of way.

VI. That where the owner, or any one of the several owners, of the lands is a *feme covert*, an infant, or *non compos mentis*, the required notices shall be served upon the trustee, guardian or committee of such persons; and if there be no trustee, guardian or committee, the Clerk of the Court of Common Pleas shall have power, and he is hereby authorized, to appoint for such person a guardian *ad litem*, upon whom the service shall be made, and who shall represent the interest of such *feme covert*, infant, or person *non compos mentis*. And if the owner, or any one of the owners of the lands, shall reside beyond the State, or his or her place of residence be unknown, it shall suffice if notice of the application for a jury, and of the time and place at which they are summoned to attend, be published by the Clerk of the Court for one month next preceding the day assigned, which publication shall be made in a newspaper published in the County, or if there be none there published, then in some newspaper of the State having general circulation in the County.

VII. That upon payment of the compensation thus ascertained by a jury, the right of way over said lands, or the use of said lands for the purposes for which the same were required, shall vest in the person or corporation who shall hold the charter of such highway, so long as the same shall be used for such highway, and no longer; but the fee in such lands subject to such special uses shall remain in the owner thereof, and nothing herein contained shall be construed to confer upon such person or corporation any right in, or power over, the lands so condemned, other than such as may be within the particular purpose for which such lands were condemned.

VIII. That no lands or right of way which have heretofore, or may hereafter be, procured for the construction or use of any highway shall be considered exempt from liability to condemnation; but the right of way over said land and across or along such right of way may be condemned for the construction of any other highway: Provided, That in the construction of such other highway there be no hindrance to the use and enjoyment of the highway for which such lands or right of way were previously procured; and in all such cases notice of the application for a jury shall be served upon the President of the corporation whose lands or right of way shall be required, or upon any director or local agent of the corporation.

IX. That nothing herein contained shall be construed to prevent entry upon any lands for purposes of survey and location; and if in any case the owner of any lands shall permit the person or corporation requiring a right of way over the same to enter upon the construction of the highway without previous compensation, the said owner shall have the right, after the highway shall have been constructed, to demand compensation, and to petition for an assessment of the same in the manner hereinbefore directed: Provided, Such petition shall be filed within twelve months after the highway shall have been completed through his or her lands.

X. That all proceedings in relation to the condemnation of lands for the right of way, or for other necessary uses of any chartered highway, shall be filed in the office of the Clerk of the Court of Common Pleas for the County in which such proceedings were had, and shall be there of record. If the lands required, or over which the right of way be required, shall be partly in one County and partly in another, the proceedings shall be instituted in that County in which the owner or a majority of the owners reside; and if the owner or owners shall reside in neither of the Counties, or if there shall be an equal number of the several owners in each County, the proceedings shall be instituted in that County in which shall lie the greater part of the lands in reference to which such proceedings are instituted.

XI. That the Clerk of the Court shall be entitled to a fee of ten dollars in every case instituted for the condemnation of lands under this Act; the same to cover all charges incident thereto prior to appeal, including also fees for recording, but not including costs of advertising; to which shall be added, in cases of appeal, an additional fee of two dollars, the same to cover all charges incident to the appeal; that the Sheriff shall be entitled to a fee of one dollar and mileage at the rate of five cents per mile for each service of notice or other paper; and for the summoning of jurors, the same fee now by law allowed for the summoning of jurors for the Courts of Common Pleas; and that the jurors shall be entitled to the same per diem and mileage now by law allowed for attendance as jurors at the Courts of Common Pleas; all of which costs, except costs of appeal, shall be paid by the person or corporation requiring the lands or right of way, and the costs of appeal shall in all cases be paid by the losing party.

XII. That any juror, duly summoned to attend at the time and place designated, who shall fail to attend, shall be proceeded against in the same manner and be subject to the same penalties which are or may be prescribed by law for default in attending as jurors at the Court of Common Pleas.

In the Senate House, the twenty-second 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 AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE A LOAN TO REDEEM THE OBLIGATIONS KNOWN AS THE BILLS RECEIVABLE OF THE STATE OF SOUTH CAROLINA."

I. 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 the fourth section of an Act entitled "An Act to authorize a loan to redeem the obligations known as the Bills Receivable of the State of South Carolina," be amended by inserting at the end of said section the following words, to wit: "And the taxes which shall be collected by the State are hereby pledged for the payment of the principal and interest of the said bonds."

In the Senate House, the eighteenth 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.

Fresh Crackers, Cheese, Butter, &c.  
25 BARRI' FRESH CRACKERS, consist. of Soda Biscuit, Sugar Crackers, Egg Biscuit, Butter Crackers, Cream Crackers and Ginger Schnapps,  
10 Kugs Choice Goshen Butter,  
25 boxes Prima Cheese,  
100 Choice Sugar-Cured Hams,  
Together with a fresh supply of Rio, Java and Lagrava Coffee, Macerado, Porto Wice and Refined Sugars, Candles, Soaps, Canned Fruits, Pickles, Extracts, Tobacco, Segars, &c. For sale at our usual low prices.  
J. & T. R. AGNEW.

**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 unencumbered 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 **HOTSTETER'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

**Burning Fluids.**  
5 BLS. MACY'S KEROSENE, a safe light.  
5 bls. Baltimore Kerosene, 110 degrees test, for sale at low prices by  
Oct 10 C. H. BALDWIN & CO.

**COTTON GINS.**  
A FEW FIRST CLASS GINS, of both Southern and Northern manufacture, for sale very low, for cash, to close out consignments.  
Oct 11 FISHER & LOWRANCE.

**OUR HOUSE RESTAURANT.**  
Assembly Street, Opposite the Market.  
The undersigned respectfully notifies his patrons, and the public generally, that he has made arrangements to be supplied, daily, with the best OYSTERS and FISH. Will also have the choice of the Columbia Market.  
Has a commodious room for private parties.  
His LIQUORS, WINES and SEGARS are the best.  
Families can be supplied with Oysters. LUNCH from 11 to 1 o'clock.  
Give me a call.  
LOOK OUT FOR THE BIG LAMP.  
DENNIS MCGUINNIS,  
Superintendent.  
Oct 9

**NEW BOOKS.**  
**HISTORY OF THE NEW SCHOOL,** and questions involved in the disruption of Presbyterian Church, in 1838. By J. Baird, D. D.  
Children with the Poets. By Harriet Mikever.  
Tales of Algeria, or Life Among the Arabs. Illustrations.  
Ab-Sa-Ta-Ka, Home of the Crows, being the experience of an officer's wife on the Plains.  
Talks with a Child on the Beatitudes.  
The following new Novel:  
Gold Elsie. From the German of Marlitt.  
Moonstone. By Wilkie Collins.  
Dallas Galbraith. By Mrs. Davis, author of Waiting for the Verdict, &c., and many other new books, at  
DUFFIE & CHAPMAN'S Book Store.  
Oct 4

Salt, Salt, Salt.  
500 SACKS LIVERPOOL SALT, extra large size, on hand and for sale, AT REDUCED PRICES, by  
Sept 20 J. & T. R. AGNEW.

**COTTON.**  
LIBERAL CASH ADVANCES made on COTTON consigned to JAMES W. TRASK, New York, by applying to September 16 85 E. & G. D. HOPE.

**Fresh Supplies.**  
NEW YORK cured pickled Pig Pork, extra sugar cured Breakfast Strips, Hecker's Self-Raising Flour, new No. 1 Bay Mackerel, Pickled Salmon, Smoked Tongues. Together with daily supplies of all the various STAPLE AND FANCY GOODS requisite in an establishment in the Grocery line, which aims at keeping the best—and the best is the cheapest.  
Oct 4 GEO. SYMMERS.

**Woodenware and Brooms.**  
TUBS, Painted and Brass Bound Buckets, Churns, Well Buckets, Cothens, Bung Floggers Barrel Covers, Wash Boards, Measures, Flour Pails, Sugar Boxes, Lemon Squeezers, Bowls, Trays, Kegs, Mats, Baskets, Matches, &c., just received and for sale low by  
Sept 15 J. & T. R. AGNEW.

**Russia Gin Bitters.**  
DRESSED and undressed, for sale by FISHER & LOWRANCE.

AT R. O. SHIVER'S. DRY GOODS, BEAUTIFUL And CHEAP, RARE, RICH, FRESH, NEW,

**Goods Down.**

In sympathy with the 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 recent decline.

We are handling a rapidly increasing and very flattering 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 fairness, 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 line.

**R. O. SHIVER.**