

THE DAILY PHOENIX.



"Let our Just Censure"

Attend the True Event."

BY J. A. SELBY.

COLUMBIA, S. C., TUESDAY MORNING, AUGUST 9, 1870.

VOL. VI—NO. 121.

The Paris Journal reports the following conversation between two young girls: "If you only knew how badly papa treats mamma and me!" "Indeed!" "Yes, indeed. You can judge for yourself. When I was ready to be 'brought out' in society, he might have gone with me, might he not? Well, instead of that, when mamma and I went to his room to find him, we discovered he had been absent from the house a whole year!"

An eccentric man in Scotland lately died, and his will was broken on the ground of insanity, the decisive bit of evidence lying in the fact that he used to throw open his window every Sunday morning, and play the fiddle while the people passed to church. That was enough for the twelve good Sabbatharians and true who formed the jury.

A girl at Indianapolis took arsenic, at the tender age of 33 years, because a young man whom she had loved from infancy, married another woman. She never told her love, but let pizen, like a mulligrub on a fish-hook, give her the stomach-ache. This sad fate should be a warning to girls to tell their love before it is everlastingly too late.

It may be interesting to the lovers of that great national game, draw-poker, to know that the Indians at Corinne play the game, using squaws to "ante" with. Squaws ought to make good "aunties."

A photographer in Indianapolis exposes delinquent customers by displaying their pictures upside down, and labelled "Not paid for."

Special Notices.

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 most sanguine expectations that Dr. J. C. 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 of 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 4/1mo

WEDLOCK—THE BASIS OF CIVIL SOCIETY.

Essays for Young Men, on the honor and happiness of Marriage, and the evils and dangers of Celibacy—with sanitary help for the attainment of man's true position in life. Sent free, in sealed envelopes. Address, HOWARD ASSOCIATION, Box P, Philadelphia, Pa. May 24 3mo

DABNEY MORGAN & CO., VS. THE PRESIDENT AND DIRECTORS OF THE BANK OF THE STATE OF SOUTH CAROLINA, ET AL. CHARLESTON COUNTY, COMMON PLEAS, EQUITY SIDE.—All persons, depositors in the Bank of the State of South Carolina, or any of its branches, having claims upon said Bank, are hereby notified that by the decree of his Honor Judge CARPENTER, made in this cause, and dated May 7th, 1870, they must prove their claims before me on or before the fifteenth (15th) day of August next, or else they will be barred from all participation in the Assets of said Bank or claims upon the State of South Carolina.

Depositors must present their claims, sustained by affidavit, similar to those required for claims upon executors or administrators, stating distinctly when the deposit account began, and when it ended.

The Deposit Books must in every case be produced if in existence.

CHARLES H. SIMONTON, Referee. Charleston, S. C., No. 15 Broad street, over Peoples' National Bank, June 22, 1870.

June 24, 30, July 6, 13, 20, 27, 30, Aug 3, 10, 17, 24, 31, 1870.

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

DR. THOMAS T. MOORE,

DENTIST.

BEGS the kind indulgence of his patients until after the session of "American Dental Association." He will return for business about the middle of August. July 14 25

For Sale,

A NEAT COTTAGE, in the central part of the city, with ten rooms—five in basement and five up-stairs—and necessary out-buildings. Possession can be had on the first of October. Inquire at this office. July 27

Connoisseurs, go to Pollock's.

CODE OF PROCEDURE--Continued.

Sec. 155. In an action affecting the title to real property, the plaintiff, at the time of filing the complaint, or at any time afterwards, or whenever a warrant of attachment under chapter four of title seven, part second, of this Code shall be issued, or at any time afterwards, the plaintiff, or a defendant, when he sets up an affirmative cause of action in his answer and demands substantive relief, at the time of filing his answer, or at any time afterwards, if the same be intended to affect real estate, may file with the Clerk of each County in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action, and the description of the property in that County affected thereby; and if the action be for the foreclosure of a mortgage, such notice must be filed twenty days before judgment, and must contain the date of the mortgage, the parties thereto, and the time and place of recording the same. From the time of filing only shall the pendency of the action be constructive notice to a purchaser or incumbrancer of the property affected thereby; and every person whose conveyance or incumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or incumbrancer, and shall be bound, by all proceedings taken after the filing of such notice, to the same extent as if he were made a party to the action. For the purposes of this Section, an action shall be deemed to be pending from the time of filing such notice: Provided, however, That such notice shall be of no avail, unless it shall be followed by the first publication of the summons, or an order therefor, or by the personal service thereof on a defendant within sixty days after such filing. And the Court in which the said action was commenced may, in its discretion, at any time after the action shall be settled, discontinued or abated, as is provided in Section number one hundred and forty-four, on application of any person aggrieved, and on good cause shown, and on such notice as shall be directed or approved by the Court, order the notice authorized by this Section to be cancelled of record by the Clerk of any County in whose office the same may have been filed or recorded; and such cancellation shall be made by an endorsement to that effect on the margin of the record, which shall refer to the order, and for which the Clerk shall be entitled to a fee of twenty-five cents.

Sec. 156. The summons may be served by the Sheriff of the County where the defendant may be found, or by any other person not a party to the action. The service shall be made, and the summons returned, with proof of the service, to the person whose name is subscribed thereto, with all reasonable diligence. The person subscribing the summons may, at his option, by an endorsement on the summons, fix a time for the service thereof, and the service shall then be made accordingly.

Sec. 157. The summons shall be served by delivering a copy thereof as follows: 1. If the suit be against a corporation, to the president or other head of the corporation, secretary, cashier, treasurer, a director, or managing agent thereof; but such service can be made in respect to a foreign corporation only when it has property within this State, or the cause of action arose therein, or where such service shall be made within this State personally upon the president, cashier, treasurer, or secretary thereof.

2. If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother or guardian; or, if there be none within the State, then to any person having the care and control of such minor, or with whom he shall reside, or in whose service he shall be employed.

3. If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs in consequence of habitual drunkenness, and for whom a committee or guardian has been appointed, to such committee or guardian and to the defendant personally.

4. In all other cases, to the defendant personally.

Sec. 158. Where the person on whom the service of the summons is to be made cannot, after due diligence, be found within the State, and that fact appears by affidavit to the satisfaction of the Court or a Judge thereof, or of the Probate Judge of the County where the trial is to be had, and it in like manner appears that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a proper party to an action relating to real property in this State, such Court or Judge may grant an order that the service be made by the publication of a summons in either of the following cases:

1. Where the defendant is a foreign corporation, has property within the State, or the cause of action arose therein;

2. Where the defendant, being a resident of this State, has departed therefrom, with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with a like intent;

3. Where he is not a resident of this State, but has property therein, and the Court has jurisdiction of the subject of the action;

4. Where the subject of the action is real or personal property in this State, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists, wholly or partly, in excluding the defendant from any interest or lien therein;

5. Where the action is for divorce, in the cases prescribed by law.

Sec. 187. Label and slander, how stated in complaint.

Sec. 188. Answer in such cases.

Sec. 189. Answer in action to recover property distrained for damage.

Sec. 190. What causes of action may be joined.

Sec. 191. Allegation not denied, when to be deemed true.

Sec. 170. Every pleading in a Court of Record must be subscribed by the party or his attorney, and when any pleading is verified, every subsequent pleading, except a demurrer, must be verified also.

Sec. 180. The verification must be to the effect that the same is true to the knowledge of the person making it, except as to those matters stated on information and belief, and as to those matters he believes it to be true, and must be by the affidavit of the party, or if there be several parties united in interest, and pleading together, by one at least of such parties acquainted with the facts, if such party be within the County where the attorney resides, and capable of making the affidavit. The affidavit may also be made by the agent or attorney, if the action or defence be founded upon a written instrument for the payment of money only, and such instrument be in the possession of the agent or attorney, or if all the material allegations of the pleading be within the personal knowledge of the agent or attorney. When the pleading is verified by any other person than the party, he shall set forth in the affidavit his knowledge, or the grounds of his belief on the subject, and the reasons why it is not made by the party. When a corporation is a party, the verification may be made by any officer thereof, and when the State or any officer thereof in its behalf, is a party, the verification may be made by any person acquainted with the facts. The verification may be omitted when an admission of the truth of the allegation might subject the party to prosecution for felony. And no pleading can be used in a criminal prosecution against the party, as proof of a fact admitted or alleged in such pleading: Provided, That the verification of any pleading in any Court of Record in this State may be omitted in all cases where the party called upon to verify would be privileged from testifying as a witness to the truth of any matter denied by such pleading.

Sec. 181. It shall not be necessary for a party to set forth in a pleading the items of an account therein alleged, but he shall deliver to the adverse party within ten days after a demand therefor, in writing, a copy of the account, which, if the pleading is verified, must be verified by his own oath, or that of his agent or attorney, if within the personal knowledge of such agent or attorney, to the effect that he believes it to be true, or be precluded from giving evidence thereof. The Court, or a Judge thereof, may order a "further account," when the one delivered is defective; and the Court may in all cases order a bill of particulars of the claim of either party to be furnished.

Sec. 182. In the construction of a pleading for the purpose of determining its effect, its allegations shall be liberally construed, with a view of substantial justice between the parties.

Sec. 183. If irrelevant or redundant matter be inserted in a pleading, it may be stricken out, on motion of any person aggrieved thereby. And when the allegations of a pleading are so indefinite or uncertain that the precise nature of the charge or defence is not apparent, the Court may require the pleading to be made definite and certain by amendment.

Sec. 184. In pleading a judgment or other determination of a Court or officer of special jurisdiction, it shall not be necessary to state the facts conferring jurisdiction, but such judgment or determination may be stated to have been duly given or made. If such allegation be controverted, the party pleading shall be bound to establish, on the trial, the facts conferring jurisdiction.

Sec. 185. In pleading the performance of conditions precedent in a contract, it shall not be necessary to state the facts showing such performance; but it may be stated generally that the party duly performed all the conditions on his part; and if such allegation be controverted, the party pleading shall be bound to establish, on the trial, the facts showing such performance. In an action or defence founded upon an instrument for the payment of money only, it shall be sufficient for a party to give a copy of the instrument, and to state that there is due to him thereon from the adverse party a specified sum, which he claims.

Sec. 186. In pleading a private statute, or a right derived therefrom, it shall be sufficient to refer to such statute by its title and the day of its passage, and the Court shall therefrom take judicial notice thereof.

Sec. 187. In an action for libel or slander, it shall not be necessary to state in the complaint, any extrinsic facts, for the purpose of showing the application

to the plaintiff of the defamatory matter out of which the cause of action arose; but it shall be sufficient to state generally that the same was published or spoken concerning the plaintiff; and if such allegation be controverted, the plaintiff shall be bound to establish, on trial, that it was so published or spoken.

Sec. 188. In the actions mentioned in the last Section, the defendant may, in his answer, allege both the truth of the matter charged as defamatory, and any mitigating circumstances, to reduce the amount of damages; and, whether he prove the justification or not, he may give, in evidence, the mitigating circumstances.

[CONTINUED IN OUR NEXT.]

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[CONTINUED IN OUR NEXT.]

New Publications.

THE CHRISTMAS GUEST, by Mrs. Southworth. The Court and Times of Queen Elizabeth, by Miss Aiken, \$2 25. The Caged Lion; a Novel, by Miss Yonge, \$1 25. Hammer and Anvil, Spielhagens' last and best novel, \$2 00. Memoir of Dr. Scudder, 36 years Missionary in India, \$1 75. Prince of Wales' Travels in Egypt, Constantinople and the East, \$1 50. The Vicar of Bullington, by Trollope, \$1 25, and other new Books for sale at BRYAN & McCARTER'S Bookstore. June 3

WE have about \$10,000 in CLOTHING, 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."

Beat 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.

Kina Chill Cure.

New Remedy, New Principle, No Poison. A NEW discovery and a sovereign specific for the cure of Intermittent Fever, Remittent Fever, Chill Fever, Dumb Ague, Periodical Headache or Bilious Headache and Bilious Fevers; and all diseases originating in Biliary Derangement or Liver Disorder, caused by Impurity of Blood and Malaria of miasmatic localities.

For sale by E. H. HEINITSH, Druggist, Columbia, S. C.

TESTIMONIALS.

Dr. E. H. Heinitsh—DEAR SIR: I cheerfully endorse the recommendation given for your "Kina Chill Cure," in cases of Chills and Fever. I have been cured by your medicine when every other I tried failed. Yours truly, S. L. SLOANE.

Dr. E. H. Heinitsh—DEAR SIR: Your "Kina Chill Cure" has done all you promised it would do in my case. A radical cure for Chill and Fever. The chills are gone. A general restoration of my health is the result of only one bottle. My doubts have all been removed in regard to the efficacy of your medicine. I have tried it, therefore I can endorse the statements of others, that it is the best medicine out. Yours, &c., W. K. ELKINS.

Dr. E. H. Heinitsh—DEAR SIR: I certify to the medicinal virtues of your "Kina Chill Cure." A member of my family has been afflicted with Chills and Fever for several months, and nothing cured it but your invaluable Chill Cure—only one bottle used. Yours, &c., J. H. DISSEKER.

Dr. E. H. Heinitsh—DEAR SIR: I have had Chills and Fever for some time. At your suggestion I tried your new medicine, "Kina Chill Cure." I am completely cured, and used only one bottle. Yours, respectfully, J. N. DRINNAN.

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, Tooth-ache, 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. HEINITSH, Chemist, Columbia, S. C. June 3 4

Hams, Best Tongues. 200 SUGAR-CURED Orange Hams. 1,000 lbs. Breakfast Bacon. 500 lbs. F. M. Smoked Tongues. 10 half lbs. Pickled Beef and Pork. May 26 For sale by E. HOPE.

Watches and Jewelry Repaired in the best manner, by first class workmen, and warranted. ENGRAVING finely executed. Dec 16 WILLIAM GLAZE.

Fall Turnip Seeds. GREEN GLOBE, Red Top and English Ruta Baga. Fresh Seed for sale by E. HOPE. July 30

Hungry people, go to Pollock's.

REYNOLDS' IMPROVED METHOD OF CONSTRUCTING Artificial Dentures.

Patented December, 1867.

AFTER an extensive use of this important improvement in practice for nearly two years, it is with full confidence urged upon the profession and the public, as fulfilling more thoroughly and satisfactorily than any other mode, every intention of Artificial Dentures. As in this method, rubber teeth are altogether discarded, it is desirable that it should fall especially into the hands of those familiar with gold plate work.

It may not be generally known that they who wear cases of artificial teeth, constructed according to this patent, by Dentists who are not licensees, render themselves liable to the penalty of infringement, as well as the operator.

Office rights will be disposed of and instruction given by letter, or at the operating rooms of Reynolds & Reynolds, where the manipulation may be daily witnessed, and where communications may be addressed.

W. M. REYNOLDS, M. D., Columbia, S. C. Aug 12

BUY THE ARROW TIE.

THE "ARROW TIE" was invented and patented by Mr. J. J. McComb, while a resident of New Orleans, previous to the late war—and sales of considerable quantity were made here in 1861.

Since the war, it has been gradually growing in favor in every section where cotton is made.

The manufacture and sale of this TIE is the exercise on the part of McComb of an unimpeachable proprietary right.

For sale by all dealers in Iron Ties and country merchants generally, under full guarantee at the lowest market prices.

ROBERT MOORE & CO., General Agents, Charleston, S. C. General Traveling Agent for the Carolinas. July 19 3mo

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 Diseases 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 Anti-Spasmotic, 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 of 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.

SWEET QUININE

Is a Recent Improvement. REPLACES the use of the BITTER SULPHATE QUININE, with which all are familiar. Dose for dose, it is WARRANTED FULLY EQUAL in every way TO BITTER QUININE, and, like it, is the one Great, Positive, and Unfailing Cure FOR ALL DISEASES OF MALARIOUS ORIGIN. Fever and Ague, Intermittent Fever, Chill Fever, Remittent Fever, Bilious Fever, Dumb Ague, and the long train of disorders following these when neglected.

SWEET QUININE is made solely from Peruvian Bark, (so is Bitter Quinine,) therefore it is of vegetable origin, and not a Mineral poison, but on the contrary, is proved to be one of the elements found in the blood of all healthy persons.

SWEET QUININE acts as an antidote to, as well as a cure for, malarial or miasmatic poison, the absorption of which by the lungs causes Intermittent Fevers, etc. The only advantages claimed for SWEET QUININE over the use of old Bitter Quinine, is the entire absence of that intense, persistent bitterness, which in the latter is an insurmountable obstacle to its use with most persons, and always with children.

SWEET QUININE is in two forms—in Powder, for the use of Physicians and Druggists, and Fluid, for use in the family and for the general public.

STEARN'S, FARR & CO., Manufacturing Chemists, New York. June 11 3mo

Selling Off to Close Out. AS I intend hereafter to keep only a FIRST-CLASS JEWELRY ESTABLISHMENT, I will sell out at and below cost, my ENTIRE STOCK of Pistols, Guns, Powder, Flasks, Shot Pouches, Caps, Cartridges, Powder and all other Fancy Articles. ALSO, A fine lot of FANS, selling very low. June 1 ISAAC SULZBACHER, Columbia Hotel Row.

Law Books on the New Code. ALSO, A Variety of NEW LAW BOOKS—Acts of Legislature, &c., for sale by BRYAN & McCARTER. April 20

Thirsty people, go to Pollock's.

To Physicians! To Physicians!

New York, August 15, 1868. ALLW me to call your attention to my PREPARATION OF COMPOUND EXTRACT BUCHU. The component parts are BUCHU, LONG LEAF, CUBEBES, JUNIPER BERRIES.

MODE OF PREPARATION.—Buchu, in vacuo, Juniper Berries, by distillation, to form a fine gin. Cubebs extracted by displacement with spirits obtained from Juniper Berries; very little sugar is used, and a small proportion of spirit. It is more palatable than any now in use.

Buchu, as prepared by Druggists, is of a dark color. It is a plant that emits its fragrance; the action of a flame destroys this, (its active principle,) leaving a dark and glutinous decoction. Mine is the color of ingredients. The Buchu in my preparation predominates; the smallest quantity of the other ingredients are added, to prevent fermentation; upon inspection, it will be found not to be Tincture, as made in Pharmacopoeia, nor is it a syrup—and therefore can be used in cases where fever or inflammation exists. In this, you have the knowledge of the ingredients and the mode of preparation.

Having that upon you will give it with a trial, and that upon inspection it will meet with your approbation. With a feeling of confidence, I am, very respectfully,

H. T. HELMBOLD, Chemist and Druggist of 19 years' experience. [From the largest Manufacturing Chemists in the World.]

NOVEMBER 4, 1854. "I am acquainted with Mr. H. T. Helmbold. He occupied the Drug Store opposite my residence, and was successful in conducting the business where others had not been equally so before him. I have been favorably impressed with his character and enterprise."

WILLIAM WRIGHTMAN, Firm of Powers & Weightman, Manufacturing Chemists, Ninth and Brown streets, Philadelphia.

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FLUID EXTRACT BUCHU, FLUID EXTRACT BUCHU,

For weakness arising from indiscretion, the exhausted powers of nature, which are accompanied by so many alarming symptoms, among which will be found Indisposition to Exertion, Loss of Memory, Weakness, Horror of Disease, or Forebodings of Evil, in fact, Universal Lassitude, Prostration, and inability to enter into the enjoyments of society.

The constitution, once affected with Organic Weakness, requires the aid of Medicine to strengthen and invigorate the system, which

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