

8414

No. _____

Supreme Court of Illinois

Errisman

vs.

Errisman

71641  7

No 35

Nov Term 1860-

Erismar

24

Erismar

Appeal from
Marion

KT

8414

In the Supreme Court State of Ills

1st Grand Division November Term 1860

Isaac H. Erismann }
Cynthia Erismann } appeal from Marion

Came this day the appellant - by Nelson
his attorney & says that there is Manifest
Error in the rendition of the (Decree in
the above styled Cause in the Circuit
Court of Perry County in this that the
Circuit Court rendered a Decree in
favor of the Complainant in the Court below
and against the Appellant whereas
by the face of the Record the said Circuit Court
ought to have rendered a Judgment in
favor of the appellant
and assigning Errors specially on
the record the appellant says the Court
erred 1st in refusing to allow a separate
examination of witnesses.

2^d in refusing appellant to interrogate
the witness, Baker as to means of know-
ledge of the Indecency of the Character
of Mrs. Abrey and her house & in
refusing ~~said~~ to allow said witness
to state what he heard say Mrs. Abrey
was a lewd woman or kept a lewd
house

3^d said Court erred in refusing to give
the 6th instruction asked for by appellant

4th The 1st Court erred in refusing to grant appellant a new trial

5th The said Court Erred in refusing to arrest the Judgment below

6th This Court Erred in refusing to grant an appeal until the question of alimony was settled.

7th The 1st Court Erred in imprisoning appellant until he entered into Bond for payment of alimony

8th The 1st Court Erred in ordering 1st Appellant to give Bond & for pay ment of alimony

9th - This Court Erred in perpetually enjoining Appellant from disposing his Estate described in Bill

10th The Erred granting Complaint a Decree on the verdict of the Jury

11th This Court Erred in rendering a Decree for Comp^a in Court below & in not dismissing her Bill

12th The Court Erred Continuing in junction & putting the appellant in Jail

and to the appellant says that for these & divers other errors apparent in the record the Judgment & Decree of the said Circuit Court ought

to be removed &

W. S. Nelson for appellant

Joinder in error

Sumner Deary

attys. for appellee

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State of Illinois
Marion County

Plas^{and} Proceedings had
in the Circuit Court in^{and} for
the County of Marion^{and} State
of Illinois in a certain suit
hitherto pending in said Court
wherein Cynthia E. Erris-
man is Complainant^{and} Isaac H. Erris-
man Defendant. Brought into said
Court by Change of Venue from
Jefferson County Illinois

Be it Remembered that on the 18th day of June
A. D. 1860 The papers pertaining to said suit were
filed in the office of the Clerk of the Circuit Court
of said Marion County and the cause docketed
in said Court. The first Exhibit of which being
Complainants Bill of Complaint marked "A"^{and}
which is in words^{and} figures following to-wit.

"
State of Illinois
County of Jefferson

May Term Jefferson Circuit
Court A. D. 1860

To the Honorable Edwin
Beecher the presiding judge of the 12th Judicial
Circuit Court of the State of Illinois

Humbly Complaining
Sheweth unto your Honor, your Oration Cynthia

E. Crisman a resident of said County of Jefferson. That sometime in the summer or fall of the year A.D. 1856 she intermarried with one Isaac H. Crisman. And that she and the said Isaac have always until the period hereafter mentioned lived and cohabited together as husband and wife in the State of Illinois:

She would also allege that during all the time she lived with the said Isaac she demeaned herself in all respects towards him as a dutiful obedient and affectionate wife. But notwithstanding all this the said Isaac within the short period of three months after the marriage for some cause wholly unknown to your Oratrix, withdrew his affection from your Oratrix and from that time down to the period of your Oratrix being driven from the house of him the said Isaac, began and continued a course of ill treatment which has served to render the life of your Oratrix of the most wretched and miserable character - On many occasions he has endeavored to drive your Oratrix from her home

and after failing in his efforts to drive your Oratrix from her home by all manner of the most profane profane foul and abusive language and villifying epithets - he threatened to take the life of your Oratrix and within the last three months, on one occasion he choked her so severely that her throat was injured and remained sore several days: and on one other occasion about two

And the following personal property Dourt five head of horses; two mules; one pair of oxen and seventeen head of other cattle; twenty five head of pork hogs. twenty five or thirty head of stock hogs, a wagon and buggy and twenty or thirty acres of corn standing in the field and in the shock.

works since he again choked and kicked, and threw your Oratrix out of the door into the yard so violently that she fell to the ground, at which last mentioned time your Oratrix seeing that her life was in actual and positive danger felt thereby forced to leave her home and fly for safety -

She further alleges that she is the mother of two children who are the issue of said marriage (Dourt) Franklin D aged about thirty months

Also Isaac H aged seven months. She also alleges that at the time of the marriage she was possessed of a forty acre tract of land and the owner thereof in fee simple which was sold by your Oratrix and the said Isaac for the sum of \$200. and the whole of which was appropriated by the said Isaac for his own use and benefit.

She would also state that the said Isaac is the owner in fee simple all of the following Real Estate situated in said Jefferson County of Jefferson and worth about Eight Dollars per acre (Dourt) and she would state that she fully believes and fears that the said Isaac intends to dispose of all of said Real Estate immediately and will refuse to make any provisions for the support and maintenance of your Oratrix.

Wherefore your Oratrix prays that the said Isaac may be made a party to this suit and that a summons may issue

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Compelling him to appear and answer this Bill
without being sworn (his oath hereby being expressly
waived) and that a writ of Injunction may issue
restraining the said Isaac from disposing of any of
the aforesaid real Estate or personal property and
that upon a final hearing of this cause your Honor
may be pleased to dissolve the matrimonial relations
existing between your Oratrix and the said Isaac
and to decree to her the custody and care of the said
Franklin D. and Isaac N. and such alimony as to
this Honorable Court may seem meet and proper
in the premises: And for such other and further
relief as in equity and good conscience your
Oratrix may be entitled And as in duty bound
will now pray &c

Cynthia E. Erisman

State of Illinois

County of Jefferson

ss. The above named Cynthia
E. Erisman being duly sworn
according to Law upon her oath states that the
matters and things set forth in the above bill of
Complaint are true in substance and in fact
sworn to and subscribed

Before me this 10th day of November
A. D. 1859 J. H. Watson M. C.

Cynthia E. Erisman

State of Illinois

Jefferson County

Upon a careful examination

of the foregoing Bill of Complaint it is ordered that therein be allowed her writ of Injunction as prayed for in said Bill.

Given under my hand at my
office in Mt Vernon this 10th day of
November 1859

J H Watson Wic.

Writers fees \$1.00"

^{1st} Order of Court in the above cause as copied
from the Record of John S Bogan Esq Clerk
of the Circuit Court of Jefferson County Illinois
which is as follows

"

Tuesday Nov 22^d AD 1859

Cynthia E Erisman

vs

Isaac H Erisman

Came this day the Com-
plainant in person and by
James H Casey her Solicitor and the Defendant
by R S Wilson who thereupon enters the appearance
of the said Isaac H Erisman Defendant as
above hereby waiving all process or other irreg-
ularities in this behalf."

And afterwards Docket - At the said Special
November Term AD 1859 of said Circuit Court on Thursday
November 24th AD 1859 aforesaid the following

Endorsed as follows

" Filed Nov 10, 1859
J S Bogan Clerk

Filed June 14th 1860
H W Casper Clerk
J H Calhoun Sept."

order appears of Record and which is in words
and figures Docket =

Thursday Nov 24th AD 1839

Cynthia E. Cushman

vs
Isaac H. Cushman

Bill for Divorce
and Infraction

Came this day the parties
herein in person and by their Solicitors, and
thereupon the Defendant files his answer to
said Complainant's Bill and enters his motion
to dissolve the Infraction granted herein. The
Court having heard said motion argued, and
not being sufficiently advised takes time to con-
sider the same.

And afterwards Docket at the
said special November term AD 1839 of the said
Circuit Court on Saturday November 26 AD
1839 the following order appears of Record in
said Cause Docket =

Saturday November 26 AD 1839

Cynthia E. Cushman

vs
Isaac H. Cushman


Bill for Divorce
and Infraction

Came this day the parties
herein, by their Solicitors, and the Court having fully
considered the motion entered herein to dissolve
the Infraction in this cause as to personal property
to wit =

five head of horses two mules one yoke of oxen
and seven head of Cattle twenty five or thirty
head of ^{stock} hogs. twenty five head of Pork Hogs and
wagon and buggy and twenty or thirty acres of corn
in shocks or standing in the field, belonging to
said Defendant, and the Court being well advis-
ed in the premises. It is ordered, adjudged and
decree, that said motion to dissolve be and the same
is hereby granted, as to the personal property of the
said Defendant as above enumerated, and
that this cause stand continued.

And afterwards ^{Jointly} at the
May Term of the Jefferson County Court A.D.
1860, on Tuesday May 15th 1860, being the 9th day of
said Court, the following order was entered of record
in said Cause, ^{Jointly}.

Tuesday May 15th A.D. 1860

Cynthia C. Crisman
vs
Isaac H. Crisman  Bill for Divorce &
Dissolution.

Came this day the parties herein
the Complainant by Tanner & Casey Hicks and Haynie
her Solicitors and the Defendant by Nelson & Partridge his
Solicitors and thereupon the Complainant by her coun-
sel asks leave of the Court to file her supplemental
Bill, which leave is granted by the Court.

Endorsed on the back as follows
Filed Nov 11, 1859 J. S. Bogan clerk
Filed June 18, 1880
H. K. Bogan clerk
J. S. Bogan clerk

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of the foregoing Bill of Complaint it is ordered
that the Complainant therein be allowed her
costs of litigation as prayed for in said Bill
Given under my hand at my
office in W. Vernon this 10th day
of November 1859

J. H. Watson W. V.

Masters fees \$1.00."

(Supplemental Bill)

State of Illinois Of the May Term A.D. 1860
Jefferson County of the Jefferson Circuit Court

Cynthia E. Erismann
vs
Isaac H. Erismann

Supplemental Bill

To The Hon. Edwin Beecher,

Judge of the 12th Judicial Circuit of the State of
Illinois The Supplemental Bill of Cynthia E.
Erismann your Oratrix a Resident of Jefferson
County Illinois sheweth that, on or about the 10th
day of November A.D. 1859 she caused to be filed
with the clerk of this Hon. Court her Original
Bill for divorce &c wherein she was Complainant,
& one Isaac H. Erismann (then and since &
now her husband) was Defendant setting up show-
ing &c charging as cause of divorce from said
Defendant his acts of extreme &c repeated cruelty

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Towards this Complainant before the filing of said Original Bill. Your Oratrix further sheweth unto your Honor that after the filing of the said Bill, and for the reasons and causes in the same set forth, she lived and has thenceforth continued to abide reside separate and apart from her said Husband, in no wise permitting him to have or exercise towards her, any marital or conjugal right all of which he had forfeited by his conduct before the filing of said Bill.

Your Oratrix further sheweth that since the date of filing the Bill aforesaid and before the present Term of this Court the said Isaac H. Ernsman violated his solemn and sacred marriage vows with and to your Oratrix entered into and made for she sheweth, that on or about the day of April 1860 at and in the County of Jefferson the said Defendant utterly disregarding his sacred Compact with your Oratrix and well knowing the enormity of the offence, and against all decency propriety and good morals, the said Defendant did with wicked and lewd women, or with at least one wicked and lewd woman, whose name now your Oratrix does not desire to mention have illicit Commerce thereby did commit adultery, as your Oratrix has been informed, charges and believes - whereby the said Defendant, aside from the fact that he had been guilty of extreme and repeated cruelty as

set forth in the original Bill. - This cause, has forfeited all right to claim the further existence of the Connubial relation between your Oratrix and the said Defendants -

Your Oratrix further sheweth, that at the date of filing the original Bill in said Cause she was the mother of two children by her marriage with the said Defendants the elder of whom (called Franklin Dewitt Errisunon) was only then about two & a half years old & now but about three years old - the youngest of whom (called Isaac Newton Errisunon) was then about six months old & now about thirteen months of age, both of them male children; and your Oratrix sheweth, that at and before she departed from the bed and board of the said Defendants he had become & was a very vicious & immoral man of intemperate habits frequently intoxicated and moreover was a very profane man & seemed to entertain no respect for morality or Religion that on some occasions so regardless was he of proper respect upon & toward matters of this kind that in the presence & hearing of said children he would be guilty of the use of most profane language & did so far as to curse & swear to and at them & even teach the eldest one to swear & used profane language and not only so but in their presence & before them he even went so far as to throw the family bible out of the house

and at another time and different times when your Oratrix was or would be at her devotions before retiring for the night he would meet them in her presence & her children morning & even curse and swear and conduct himself in the most unbecoming

and irreligious manner thereby inculcating into the tender minds of his children the evil and vicious sentiments and principles which he seemed to be governed by -

Well knowing these facts your Oratrix sheweth that at the time of her departure from her said husband she felt in duty bound in order to guard the tender minds of her two infant children from the evil example and influence of their father to take them with her and accordingly she did so, and at the date of the filing of her said original Bill she then had them under her control and custody -

But your Oratrix sheweth that soon after the same was filed by her; the said Defendant without the consent or leave of this Complainant and contrary to her desire & wish clandestinely abducted and carried away the eldest of his said children and after abducting said child from your Oratrix & taking the care and custody thereof thereby subjecting said child to all the evil influences aforesaid he did besides all this take said child and keep the said child where his evil example with other women was before said child - and where its tender mind was liable to be led astray and prevented from forming

Correct ideas of chastity and virtue, morality & religion
 and taught to practice all the vices and immoralities
 of the said Deace and he now still has the control
 & care of the said child refuses to return him to
 this Complainant, or to allow him to have the
 care nurture custody or Education of her said
 Infant or even to see him. And your Oratrix
 further sheweth, that the said Defendant has since
 the filing of the original Bill aforesaid in no
 respect whatever reformed in any of his evil habits
 or practices but has from thence hitherto been and still
 is vicious and intemperate in habits - profane and
 very vulgar and irreverent in Language and
 utterly regardless of religion the Bible or its precepts
 or of even common morality in his conduct. So much
 so that he is as your oratrix charges totally unfit
 to have the care custody nurture or education or society
 of his & your oratrix own children -

Your Oratrix further sheweth unto your Hon-
 or that at the time of the filing of the original Bill
 in this cause and since that time the said Defendant
 has been and still is (as she believes) the owner of the
 following Lands & Real Estate To-wit: The S¹/₄ of the
 NE¹/₄, the SE¹/₄ of NW¹/₄ the NE¹/₄ of SE¹/₄ & the NE¹/₄
 of SW¹/₄ of Section No One - & the SW¹/₄ of NE¹/₄ & the
 NW¹/₄ of SE¹/₄ of Section No 3 all in Township No
 2 S of R 4 E of the 3rd PM and also of the personal
 property described in the original Bill all in the

aggregate of the value of thirty two hundred Dollars or more and that since the commencement of this suit he the said Defendant has threatened and offered in order to defeat the allowance of alimony as she has prayed him to sell and dispose of the same or nearly all of said property for the purpose and design of defeating the allowance of said alimony to your Oratrix and he has even within a very few days declared his determination to do so as soon as the injunction which had been allowed hitherto was or should be discharged or dismissed - and your Oratrix fears and believes he will do so and will then so use some of the means procured from his sale of said property as to put it out of the reach of your Oratrix or the process of this Court in which event your Oratrix will be entitled without any support from him for herself or children and without remedy to compel the payments of alimony to her if she be found worthy and entitled to any

And tender Consideration therefore of the premises therefore and for as much as your Oratrix hath no remedy in the premises save in this Hon Court where matters of divorce and alimony are alone cognizable - and to the end that Justice may be done in the premises. your Oratrix prays that this Hon Court will upon the original Bill in this cause filed and this her supplemental Bill being shown to be true, order and judge and decree that the

Bonds of matrimony heretofore existing between your Oratrix & the said Isaac H. Erriman be dissolved set aside ^{and} for aught esteemed. And that reasonable alimony be allowed your Oratrix from and out of the Estate of her said Husband the said Debt to be fixed by your Honor after ascertaining the amount of property held & owned by Defendant And your Oratrix prays in this behalf that alimony in kind or in trop. may be allowed out of the said Lands & Real Estate aforesaid of said Debt is proper ^{and} meet under the circumstances to be allowed by this Hon. Court. And your Oratrix further prays that the care custody nurture & education of her two children may be awarded and decreed to her with such suitable provisions for their maintenance or such assistance from their father thereof as to your Honor may seem meet &c. and until this Bill is finally heard. your Oratrix prays that the Peoples most gracious writ of Injunction may be awarded to her restraining & enjoining the said Defendant from alienating selling or disposing of the property aforesaid & from taking or having the care custody or control of said children or either of them unless by leave of your Oratrix or this Hon. Court.

And after the hearing of the same and allowance of her prayers as above set forth she prays that the said Defendant may then be perpetually enjoined from having the care or rearing of

said children or from any contrall or government
over them or either of them in any manner whatso-
ever Together with all other and further relief in the
premises, which may seem meet to your Honor
and as in duty bound will ever pray
te

Cynthia E. Erismen
p Haynes Cary & Tam
sol

State of Illinois

Jefferson County This day personally came before
me the clerk Cynthia E. Erismen
who being duly sworn says on oath that the matter
set forth in the above bill of Complaint so far as stated
on affiant's knowledge are true and so far as
stated on her information & belief she believes
to be true & further says not te

Sworn to before me on this Cynthia E. Erismen
15th day May 1860

John S. Boggs
Clerk C.C.

Endorsed as follows,

Filed May 15, 1860

J. S. Boggs clerk

Filed June 18th 1860

H. N. Eagan CLK

J. D. O'Connell dep't

(Answer to Original Bill) //

November Special Term A.D. 1859
of the Jefferson Circuit Court

Isaac H. Erisman

vs

Cynthia E. Erisman



Bill for Divorce & Separation
In Chancery.

The answer of Isaac H. Erisman
to the Bill of Complainant Cynthia E. Erisman
by her filed against him the Defendant in the
Chancery side of the Circuit Court of Jefferson
County State of Illinois.

This Respondent answering
says, that true it is he is the lawful husband
of Complainant, but denies that he ever treated
Complainant with a wanton disrespect of the
duties incumbent on him as such husband
and he is also free to admit, that his wife the
said Cynthia was not wanting in affection towards
him, until her father & other relations of hers by
interfering in Respondent's family affairs, and
in the government of his household caused his
said wife the s^d Cynthia to become undutiful
& rebellious towards him, as he believes he can
prove to the satisfaction of this Honorable Court.

This Respondent also denies that he
treated her unkind or cruelly or inflicted a blow
on her in his life, nor did he ever choke

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her or anything of the kind or throw her out of
doors, nor was he ever guilty of anything savoring
of cruelty that he knows of, But the fact is may
it please your Honor the said Cynthia has lately
at the Instance of their Father our Thomas Casey as
he is informed & believes falsely accused respondent
of Choking her before John H Watson an acting
Justice of the Peace on the testimony of said Cynthia her
self principally to keep the Peace towards her in a
bond of five hundred dollars, and Respondent
denies that there was any cause whatever for binding
him over to keep the Peace, but charges that it has
all been gotten up as he has been informed & believes
by the Father of the said Cynthia who has persuaded
her through sheer spite and malice to do so, as Respon-
dent truly believes. This Respondent further
answering says, the said Cynthia and Respondent
lived happy, until Respondent fell out with the
father, the said Thomas and sued him which has
been in truth and in fact the sole cause of the
difficulty, and not because he ever treated his
wife amiss and for whom he has always entertained
the most profound respect, and the said Cynthia
has been as he believes put up to all she has
done, by her said father for several reasons 1st
Because Respondent sued him. & secondly because
Respondent withdrew himself from the Methodist
Church & wished his said wife to do the same.

This Respondent states that he for some time belonged to the Methodist church for the express purpose of trying to get along with his wife peaceably, not because he was attached to ^{the} church but because he was attached to his wife more, and did everything in his power to make her comfortable yet notwithstanding the premises he discovered that her relations who belonged to said church were continually telling her something or other, that seemed continually to make her unhappy and discontented and this Respondent did become thoroughly satisfied that it was the fault of her father sisters by their passing news backwards and forwards to his house and at last induced his wife to desert his bed board without any cause whatever so doing.

This Respondent denies that he forced his ^{1st} wife to leave him, or was well pleased to see her leave, but he claims that she left, notwithstanding the most earnest remonstrances, with her father to stay. This Respondent further states, the Complainant now is as much attached to him as ever if let alone by her relations and on the day she left his house to please her father as he has every reason to believe was as much attached to respondent as on the day they were married, Complainant well knowing that Respondent

treated her with the greatest kindness & respect.

Respondent further states that his wife left his house against his consent & refused to return to him altho he has earnestly requested her to do so and he resorted to an interview with her about a week ago but was prevented having such interview by her said father his object being to procure her return to her duty & to his bed & board and Respondent denies that there was ever any reason whatever either in filing the Bill of Complaint against him in this case or in joining his property which is mostly perishable so far as the personal property rejoined is concerned and which is calculated to ruin him & his family and in the least calculated to promote the interest of the Complainant, but truth and fact the suing out of said writ was an unwarrantable act. the order was made without cause without Bond being required and by the master in Chancery who bound over Respondent as a Justice in the penal sum of \$500 without cause as he believes & even if there was cause the bail required was exorbitant & excessive. He however denies there was any valid cause for binding over this Respondent and having this fully answered this Respondent prays to be hence dismissed &c

Attest
Comp'd

State of Illinois
Jefferson County

Set This affiant Isaac Eusman
being first duly sworn according to
Law declares upon oath that so far as he states of his
own knowledge the foregoing answer is true & so far as
his information is based upon information derived from
others he believes to be true
Subscribed & sworn to before Isaac H Eusman
me this 23^d day of Nov 1859
J. A. Bogan Clerk.

Endorsed as follows

Filed Nov 23. 1859

J. A. Bogan Clerk

Filed June 1856

W. E. Bogan Clerk
"B. B. Calhoun dep. H."

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And afterwards Court - At the said May term
of said Jefferson Circuit Court A.D. 1860. on
Wednesday May 16th A.D. 1860 being the 10th day of
said term the following order appears of record
in said Cause as shown by the Record of said
John S. Bogart Clerk of said Jefferson Circuit Court
Court

" Wednesday May 16th 1860

Cynthia C. Crisman
vs
Isaac W. Crisman

Bill for Divorce and Separation

Again came the parties herein
by their Solicitors, and the Complainant by her coun-
sel rules her motion for a decree for alimony
during pending litigation based upon affidavits
The Court having heard said motion argued
takes time to consider."

And afterwards according to said
Record appears an additional order in words
figures as follows Court

" Wednesday May 16th A.D. 1860

Cynthia C. Crisman
vs
Isaac W. Crisman

Bill for Divorce and
Separation

Came again the parties herein
by their Solicitors and on motion of Complainant
by her said Solicitors a rule is given upon the
Defendant to answer her said Supplemental Bill
* by the meeting of Court at 8 o'clock tomorrow morning."

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And afterwards on the 17th day of May A.D. 1860
The following order, according to said Record
was made Docket

Thursday May 17th A.D. 1860

Cynthia B. Crisman
vs
Rea B. Crisman



Bill for Divorcement and Refunction

Now this day the parties
herein by their Solicitors, and The Defendant by his
Counsel, files his Demurrer, and also his answer
to said Complainant's Supplementary Bill. And
Thompson also enters his motion based upon Petitions
and affidavits for a change of Venue in this cause
The Court having heard said application argued
it is ordered by the Court that the Venue in this
Cause be, and the same is hereby removed out
of this Circuit Court into the Circuit Court of
Marion County for hearing And it is further ordered
by the Court that the Clerk of this Court do make
out, Certify and Transmit to the Clerk of said Circuit
Court of Marion County a full, true and perfect
Transcripts of the Record and proceedings in this
cause together with the papers herein on file in his
said office."

(Answer to Supplemental Bill)

Isaac H. Erismann

at

Cynthia E. Erismann

Answer to Complainant

Supplemental Bill

And the said Isaac
H. Erismann for answer to complainant's supplemental
Bill by her above exhibited against him says, the
whole of it from beginning to end is a base, unfoun-
ded, malicious lie and foul libel and slander upon
this Respondent and that there is not one word of
it true from beginning to end and respondent
believes and charges that it is a trick from begin-
ning to end of her father Thomas Casey, invented
for the purpose of fleecing him out of his property
but that the said Complainant has in so doing mis-
taken her man and this Respondent having thus
fully answered Complainant's supplemental Bill
humbly prays to be dismissed &c

Isaac H. Erismann

Respondent."

Endorsed "Filed May 17 1860
J. S. Bogard clerk

Filed June 18 1860
West Case and Clerk
By Deane & Co.

Whereupon The Court at the August Term 1860
Judge H K S O'Melveny presiding makes the
following order Docket

"Tuesday August 21st 1860

Cynthia E Erismann
vs
Isaac W Erismann

Bill for Divorce

The Court on motion passes
this cause until Tuesday next."

And afterwards Docket on the 29th day
of August 1860 being of said August term
the following additional order was in said
cause by the Court Docket

"Cynthia E Erismann
vs
Isaac W Erismann

Bill for Divorce
& Alimony

(Change of Venue from Jefferson Co)

And now at this day came the parties by their
attorneys Docket The Complainants by
Samuel Casey Hicks and Parrish and the
Defendant by R S Nelson, and this cause
is now set down for hearing on pleading and
proofs and The Court orders that a jury be
called to try the issues and thereupon came
the following jury Docket Jesse Bandy, Thomas
Deeds Samuel Phillips Matthew Young, Joshua

Mitcalf, James C. Lacey, Richard Proctor
 Michael Justice, Thornton Adams, Logan
 Shelton Rodner & M. Haugh and J. D. Morgan
 Twelve good and lawful men, who were tried
 elected and sworn well and truly to try the issues
 joined herein, having heard the evidence and
 arguments of counsel and being instructed by
 the Court retired to consider of their verdict
 and afterwards brought into Court the following
 verdict "We the Jury find the issues for
 the Complainant". Thereupon the Defendant
 moved the Court for a new trial and in arrest
 of Judgment which motion the Court on hear-
 ing arguments doth overrule and the Defen-
 dant prayed an appeal. But until a
 decision is had upon the question of alimony
 which is at this moment pending the decision
 of the question of appeal prayed is postponed
 and the Court takes evidence on the question of al-
 imony as to the Defendants Estate real and
 personal and the Court being fully advised
 thereon on due Consideration doth now order
 adjudge and decree That the prayer of Complain-
 ants Bill for divorce be and the same is hereby
 decreed and granted and the Court doth order
 adjudge and decree That the Bonds of matrimony
 between said Cynthia E. Crisman Complainant
 and said Isaac H. Crisman Defendant be and

the same are hereby annulled, cancelled, set aside and declared null ^{and} void and for nothing to be esteemed. And it is further ordered Adjudged ^{and} Decreed That The Custody of the children remain with Complainant. And it is further ordered Adjudged ^{and} Decreed That said Complainant have alimony Two Hundred Dollars yearly as long as she shall remain unmarried out of the estate of Defendant same to be paid said Complainant quarterly The first payment thereof to be made on the first day of October AD 1860 Amount \$50. and the sum of \$50 on the first days of the months of January, March, June ^{and} September of each year of the Complainants life as long as she shall remain unmarried

And it is further ordered Adjudged ^{and} Decreed That said Defendant give Bond with security in the sum of \$1500 Conditioned for the faithful payment of said Alimony as stipulated and hereby decreed. And the Court orders that said Defendant remain in custody until said Bond be given. And it is further ordered Adjudged ^{and} Decreed That the Injunction herein granted be and the same is hereby perpetuated restraining ^{and} enjoining said Defendant perpetually and his

Agents or attorneys in fact from selling or disposing of any of the Lands in Bill described and in the Injunction set forth or of the personal property of said Defendant said Lands being the $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1 and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ & the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 all in T2 S R4 E. the E $\frac{1}{2}$ of NW $\frac{1}{4}$ the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 in T2 S R4 E. and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32 T1 S R4 and the personal property in said Injunction described as follows 5 head of horses, 2 mules, 1 yoke of oxen and 17 head of cattle 25 or 30 head of stock hogs, 25 head of pork hogs, a wagon & Buggy & 20 or 30 acres of corn in shocks or standing in the fields it being alleged that said Defendant was about to dispose of same. And it is further ordered, adjudged and decreed that the Defendant pay the costs herein. And the Court doth now grant the appeal prayed on Defendant entering into Bond with approved security in the sum of \$300 Conditioned as the Law directs, the security to be approved by the Clerk of this Court. The Bill of Exceptions to be presented and signed during the second week of the coming term of the Washington County Circuit Court.

And afterwards to wit on the 30th
day of August 1880

The following reasons for new trial
were filed by defts attorney in the
books and figures following to wit

In the Circuit Court of Marion County
State of Illinois August Term 1880
Cynthia Crossman

vs
Grace Crossman } *divorce*

Motion for a new trial
& arrest of judgment

Reasons for a new trial

- 1 Verdict against Law
- 2 Verdict against Evidence
- 3 Verdict vs Law & Evidence
- 4 Instructions of Court Wrong
- 5 New discovered Evidence

1 Court Refusing proper instructions
for defts & giving them for complainant
2 Court Refusing to allow defts to ask
J. Baker who he had talked of Mrs
Abney by a hired woman
3 Court Allowing improper Evidence
to go to the jury & Exclude proper
Evidence from the jury

Reasons why the verdict should
be arrested

1st because there is no specific

allegations or Claims in the Bill
to warrant the verdict of the Jury
that Judgment cannot be
Rendered for that reason on the
verdict

2nd There is no specific Charge
of adultery with any person
whatsoever in the Supplemental Bill

3rd That no Judgment can be
Rendered on the verdict of the
Jury in this Cause

4th The verdict is informal
uncertain & insufficient and no Judgment
can be Rendered upon it and for
those Reasons he prays that this
Judgment be arrested and that
a new Trial be granted herein

R. S. Nelson for
Defect

And afterwards Dourt on the ^{said} 30th day
of August 1860 the following paper was
also filed in said Cause Dourt

Erismann

vs

Erismann

} Bill for services
Motion for new Trial & in
arrest of judgment

Marin Circuit Court At St Leo

Be it remembered that the report by
his Counsel prayed for an appeal
to the Supreme Court in this Cause
from the decision of this Court on the
Motion to arrest a new Trial and
arrest the judgment hereinbefore
Engaging into the question of Alimony
and Sundry Bond & Security as
Required by law to prosecute ^{an} appeal
and which was prayed pending the
question of Alimony but the Court
Refused to grant said appeal until
the question of Alimony is settled
Therefore he prays this his Bill of
Exceptions may be Signed Sealed &
made a part of the Record which is
done

H. K. S. O'Melveny *Seal*
Judge &c

And afterwards Dowit on the 9th day of November
A.D. 1860 said Bill of Exceptions was filed in
the office of the clerk of the Circuit Court of said
County of Marion which is in the words and figures
following Dowit

"Cynthia E. Ernsman Bill for a Divorce
vs
Isaac H. Ernsman Of Marion County & State
of Illinois —
August Term 1860

Be it Remembered that on
the trial of the above cause the several witnesses
following were introduced on behalf of the Com-
plainant and testified as follows (Dowit)
But after the said witnesses were sworn
also before they were examined the Deft by
his counsel moved to have them separated
and removed from the Court room, which motion
was overruled by the Court to the overruling
of which motion the Deft by his counsel
then and there excepted.

Benjamin T. Wood was then
sworn called to the stand and testified as
follows

He is Brother-in-law to Complainant and
Defendant = Married Sisters. Deft & witness

Complt & Deft were married in 1856. First I heard
 of any disagreement was in the fall of 1858. I was
 at Deft's house heard hollowing - Saw that some
 thing was the matter with Complt - She was crying -
 Saw the Defendant near the house - He did
 not come in - He was not very close to him
 but he appeared to be drunk - Witness asked
 Complt what was the matter - She made no
 reply but was in great distress - About the
 first of May 1859 saw Complt & Deft coming
 by my house in a buggy Deft seemed inclined
 to pass - Saw something was wrong. Witness asked
 them to stop tell me what was the matter Com
 plt said - "He is forcing me from my home
 and every thing dear to me" - Witness asked Deft
 if Complt had not made him a good wife. Deft
 replied that Complt had made him a good
 wife if she was let alone. Witness then said to
 Deft Take her home and treat her like a wife -
 Deft replied "No I intend to take her to old Tom
 Casey's and leave her there and I be darned
 if I ever live with her another day" - Complt had
 been brought to bed six or eight days previous
 to that time. This was in the morning and a
 cold drizzly day - She looked in very poor health
 her health was bad - Deft lived one and a half
 miles from my house. It is two miles from
 my house to Complt's father Thomas McCaspy -

Deft appeared calm ^{and} indifferent

Cross examination - Our families were on intimate terms - I never knew of any difficulty until 1858 - Deft seemed calm ^{and} indifferent when he passed my house I never knew of him being drunk before the time I have mentioned - Some 15 days or so after the first of May 1859 I was at Deft's house Deft was in the field Complt in the house Deft's Bro John was there - & Deft appeared to be in good humor I do not know that he was drunk only I judged so from his taking out so.

Mrs Caroline Wood -

I am sister of Complt ^{and} wife of B J Wood - Was present with my husband ^{and} heard my sister say He is forcing me from home ^{and} all that is dear to me - Deft said he would be darned if he would live with her another day that he would sell off his property ^{and} leave the State in ten days Complt was in poor health at the time - Her Babe was a week or two old - Heard Deft say that Complt had made him a good wife. Complt was crying all the time - a day or two afterwards I was at Deft's house Deft said that he would not let Complt visit any where that she should not go to

meeting and no one of her relations should see her - On the 2nd or 3rd time afterwards that I visited this house he ordered me away - Deft said he intended to act the Devil as big as he could. That Complt should never again see a moment's peace if he could help it - and if she did not mind, he would throw her over the fence and all that she brought there. That she might leave if she wanted to. - This was I think in Sept 1859 - Her health was very feeble she was in a flooding condition, the first time I saw her after she and Deft were at my house and remained and was so the 2nd and 3rd time I saw her

Cross examination - Complainant was crying all the time while they were in the buggy at our house. Witness stated to Deft that she was afraid the exposure would kill Complt. Complt replied that it would be better for her if she was dead

Nancy J. Casey.

I am acquainted with Complt and am his sister - About a year ago I was at Deft's house. Deft was in front of the house shaving boards - Deft asked me what my business was I replied I came to see my sister. That I came to see my sister - Deft said I should not see her - That Complt should never see another moment's happiness while she lived

and if her father would come and take her away
he would be glad of it Deft acknowledged he
had treated her like a dog and stated that she
should not visit her relations or any one visit her

Cross examined

Deft. always treated me
kindly before that - don't know of any difficul-
ty before that of my own knowledge

Thomas M. Casey

I am Compt's father
Deft came to my house about ten days after
they separated - I stated to Deft that he had
choked ~~her~~ Compt twice leaving the marks of
his fingers on her throat - that he had thrown
her out of the house, that he had threatened that
he would kill her split her open and wash her
hands in her hearts blood I told him I would
offer no consideration or inducement for him to con-
fess it but asked was it so or not Deft replied
come out and I will tell you by yourselves. Deft
did not deny any of the charges made - I did
not go out with Deft but told him he was a
trifling good for nothing whelp and had not one
particle of moral principle. my son and a
neighbor man brought Compt to my house with
a wound on her neck bleeding, the wound
was two inches long He came again to my

house and denied that he made the scar on Compt's neck or had in any way mistreated her. The first conversation took place before Compt filed her Bill for a divorce, the second afterwards.

Cross examination

Compt came to my house about midnight. Deft wanted to call me. Father I would not allow it ^{and} ordered him out of my house. Defendant never admitted that he had done what I charge him with doing nor doing the same except as stated above.

Sara Gaston - I am the daughter of Complainant - and lived with Compt & Deft about a year ^{and} half never saw Deft strike Compt but heard him curse her while on her knees praying - she prayed that there might be peace. Deft said God damn your prayers and made a noise with his boots by scraping on the floor to disturb her - this was a year ^{and} a half or two years ago -

James Barker.

I knew Deft saw him about the widow Abneys house it was a house called a bad house or house of ill fame. in the latter part of the winter or first of the spring last. Saw him there two or three times I remember once in the forenoon ^{and} once in the afternoon.

I saw Deft one evening awhile before dark go to the barn about one hundred yards from the house. Directly I saw a woman widow Abney go in a round about way to the barn singing - the next I saw of them they were milking - one milking the other holding the calf. Did not see them go away, don't know which left first - Saw no love lists - Saw Deft at the same house a day or two afterwards down in an old field that had grown up in briars in places about one hundred and fifty yards South of the house. It was grown up pretty thick in places they were stooping down and seemed to be picking up sticks - I was 50 steps off - don't know whether they saw me or not - Saw them do nothing wrong was at the house a short time before Deft came there and saw men go to bed to women - there was but one woman there when Deft came one night, after, Deft came I saw two girls there, saw nothing wrong with Deft, at that time. the girls went to bed. I did not see him go to bed to them - Deft had his oldest son with him at widow Abneys - This was after Deft & his wife parted

Cross examined

The distance from the residence of Mrs Abney from that of Deft

was 15 or 20 miles It was at the widow Abneys I saw Deft. She is a widow ^{and} has 4 or 5 children - Has a considerable farm to tend - She rented it last year - The 3rd time I was there I saw two other women there, Miss Champion ^{and} Miss Martin - They are called lewd women ^{and} the house of Mrs Abney is commonly called a lewd house in the neighborhood in which she lives - The 3rd time I was there there were two other men beside Deft. then Deft went to bed the girls ^{and} the other two went to bed ^{and} I left - Witness further stated that he heard twenty ^{neighbors} sons living in in the neighborhood of Mrs Abney say that it was a lewd house ^{and} that she was a lewd woman - Deft asked witness to state the name of any person he heard say so - to which counsels counsel objected objection sustained by the Court to which ruling of the Court Deft then ^{and} there by his counsel excepted. Here the Complainant rested the case The Deft then read the Depositions taken herein on behalf of Deft which Depositions are as follows

Depositions of J. D. Fry and Calvin Williams Taken by
 Abram Marlow Justice of the Peace of Jefferson County
 Ky on the 20th day of July 1860 which are in words of fig-
 -ures following To wit

"Deposition of J D Fry and Calvin Williams
 County of Jefferson State of Illinois Taken on the 20th
 day of July in the year of our Lord one thousand eight
 hundred and sixty Between the hours of ten O'clock
 in the forenoon and four O'clock in the afternoon of
 said day Before Abram Marlow a Justice of the
 Peace of Jefferson County Illinois at his office
 in said county persuaded to Notice hereunto annexed
 to be read in evidence in a case pending
 in the Circuit Court Marion Illinois wherein byn
 Thos E Crisman is Complainant and Isaac A
 Crisman is Defendant the parties in this cause
 were present in person and their Counsell the
 said J D Fry being duly sworn first deposes
 and say in answers to the following question
 Question 1st by Defendant I S Nelson to J D Fry

Quest 1st What is your name age and residence and if
 you know the parties in this suit state how
 long you have known them respectfully

Answer My name is J D Fry I am 27 years old
 I live in Jefferson County Illinois I know

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The parties I lived at their house a month
in February in the year of fifty six or fifty seven.

Question 2 Please state what you know if anything in
regard to the manner in which the Defendant
treated the Complainant whilst you lived
with them and also how they got along with
each other and what their conduct to one
another was as man and wife.

Answer I thought they got along very well I thought
he treated her as well as any I saw a man
treat a wife their conduct to one another was
very good what time I lived their

Question 3 Please state which you have been about the house
when the parties resided up to the time of their sep-
aration and whether you have seen them off and on
up to the time they parted - if you state whether
you saw any thing in the conduct of the Defendant
that looked ^{un}kind or cruel treatment.

Answer I have been there some few times don't recollect how
many it was some time before they parted but
that I was there the last time I saw nothing in the
conduct of the Defendant that looked unkind
or cruel treatment. the last time that I was there
was in the summer about harvest before they parted

Question 4th Please state what you know about the way he provided for his family whilst you was there and whether he was a drinking man and intemperate in his habits whilst you was there also please state whether you ever saw any man treat his wife better than Defendant did whilst you was acquainted with them

Answer He provided for his family I thought very well he was not a drinking man I never saw him drink any spirits a lot I never saw a man treat his wife any better whilst I was there

Question 5th Please state what you know about the Defendants moral Character and Conduct in his family whilst you was about the House and also whether you know of his refusing to Trade on Sunday

Answer His moral Character as far as I know is good in his family I know of his refusing to trade on Sunday

(Cross Examined) by Complainants Counsel

Question 1st How long did you live at the Defendants and Complainants

Answer I lived one month

Just 2

What month

Ans

In the months of February in fifty six or seven

Ques

Do you know when they were married

Ans

They told me the 30th of July before

Ques

State how many times you were there after you ceased to live in the family and when

Ans

I cannot recollect how many times I was there some few times I don't know the time

Ques

After you left the family what distance did you reside from it

Ans

Some of the time about two and a half miles and some of the time about three miles

Ques

Was not the conduct of the Complainant towards the Defendants always so far as you know

Ans

It was

J^{his} D^x Fry
mark

Calvin Williams being sworn in behalf of Defendant states in answers to the questions to D Dwy as follows & by agreement of the counsell

Ques 1st My name is Calvin Williams. my age is 18 years old my resident is Jefferson County Ill-inois I know the parties in this suit have known them about two years

Ans He treated her very well while I lived there and she treated him very well they got along together very well their conduct towards each other was very good whilst I lived there I lived there about a month

Ques 3rd I don't come there last fall I saw nothing in the conduct of the Defendant that looked like in kind or cruel treatment

Question 4 We allways had plenty I never saw him drink any I never saw any man treat his wife better than he did whilst I was there

Ques 5th He had a good moral character unless I state that I don't know any thing about his refusing to trade on Sunday

Jess Justice fees \$ 3.40
 Witness fees J D Dwy 50
 " Calvin Williams 50
 Justice Certificate 25
 Clerk's Certificate 35
 Postage 40
 2844 25

Calvin ^{his} Williams
 mark

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State of Illinois
Jefferson County

I Abram Marlow a Justice of the Peace within and for said County do hereby Certify That J. D. Fry and Calvin Williams whose names are subscribed to the foregoing Deposition were previous to any interrogatories being put by me sworn to the truth the whole truth and nothing but the truth as witnesses in the above named Cause and that the foregoing deposition by them subscribed was reduced to writing by me and taken at the time and place specified in the annexed Notice and after the said deposition was completed and written out as appears above the same was read to the said witnesses and they upon their oaths respectively say that the matters and things therein contained and as therein set forth were true

Given under my hand and seal
This 20th day of July 1860

Abram Marlow JP

5-0
The State of Illinois
Jefferson County

SS I W Dodds Clerk
of the Jefferson County
Court for said County, which is a Court
of Record, using a Seal, do hereby certify that
Abram Marlow Esq whose name is subscribed
to the foregoing Depositions, was on the day of
the date thereof, and still is an acting Justice
of the Peace, within and for the said County of
Jefferson duly commissioned and qualified to
office, and as such full faith and credit are
due, and of right ought to be given to all his
official acts as well out of as in Court.



In Testimony whereof I W
Dodds Clerk of the County Court
as aforesaid, have hereunto subscri-
bed my name and affixed the
Seal of said Court at my office
in Wt Vernon on the 1st day of
August A.D. 1860

W Dodds Clerk

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Depositions taken by John R. Satterfield Esq.
Justice of the Peace on the 16th ^{417th} days of August
A.D. 1860 as follows:-

" State of Illinois
Jefferson County

Depositions of Elvira Buffington Mary or Polly Buffington Zella Buffington Wm Gry John Darnall Lucinda Abbey John Bagwell residents of Jefferson County State of Illinois taken on the sixteenth 17 days of August One thousand Eight Hundred and sixty Between the hours of ten o'clock A.M. and 6 o'clock P.M. of said days before John R. Satterfield a Justice of the Peace of Jefferson County aforesaid and State of Illinois at his office in Mt Vernon in said County pursuant to the Notice hereto annexed to be read in evidence in a case pending in the Circuit Court of Marion County Illinois wherein Cynthia E. Crisman is Plaintiff and Isaac Crisman is Defendant The Plaintiff being present and also Deft William W. Gry being first duly sworn doth depose and say in answer to the foregoing Interrogatories as follows To wit:-

Question ^{or} What is your name age and residence and please state if you know the parties Complainant and Defendant and if so how long you have known

them respectively

Ans 1st

My name is William H. Dry, residence Wayne County Illinois age 31 years. I know the Complainant and Defendant. have known them about 3 years

Ques 2^o

Have you resided in the neighborhood of Complainant & Defendant for any length of time before their separation if so please state how near you resided to them and whether you were conversant with the Complainant & Defendants formerly and been in the habit of visiting and calling at their house.

Ans 2^o

I resided in their neighborhood some 2 years lived from $\frac{1}{4}$ to $\frac{1}{2}$ mile from them. I was conversant with Complainant and wife's family have been in the habit of calling at their house

Ques 3^o

Please state how the Defendant and Complainant got along whilst you were acquainted with them and also whether you ever saw anything amiss of the Defendant in his treatment of the Complainant whilst you were living in their neighborhood or at any other time

Ans 3^o

So far as I ever saw they got along very well I never saw anything amiss of the Defendant towards Complainant at any time.

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Ques 2 - How long before their separation did you leave the neighborhood when you resided at the time you was acquainted with them

Ans 4 About four months may be six months

Ques 3 Did you ever work for Defendant while you resided in his neighborhood and if so how long

Ans 5 I did work for Defendant from 2 to 4 weeks & maybe more

Ques 6 Please state whether you have ever witnessed any unkind or immoral conduct whatever on the part of the Defendant in reference to his family. and whether you have ever seen any man treat his wife better than the Defendant did his wife whilst you knew them

Ans 6 I never did that I know of I never saw anything wrong with them myself

Ques 7 State how the Defendant provided for his family while you was acquainted with him and whether you ever saw him drink or drinking or keeping liquor about the house whilst you were about them

Ans 7 I don't know how he provided for them all the time. so far as I know I always

saw plenty I never saw him drinking or have
liquor about them

Ques 5th Are you acquainted with the farm known as
the Stone cypher farm if so please state the
average cash value of said land: also the
cash value of the farm on which he lived

Ans 8 I am acquainted with the Stone cypher
farm and think its cash value to be about
four dollars per acre — I think the farm
on which he lived is worth seven dollars
fifty cents per acre (I am a farmer by
occupation).

William H. Fry^{jr}
mch

John Danall being sworn deposes as follows
To wit

Ques 1st What is your name, age and residence and are
you acquainted with the parties to this suit
and if so how long have you known them
respectively

Ans 1 My name is John Danall my age fifty eight
years. Residence Jefferson County Illinois,
I have known the parties to this suit about
6 months

Ques 2nd Please state whether you were or not subpoenaed
on behalf of Complainant at the last Term of this
Court

(adj. to 12-28)

Ans 2^o

I was subpoenaed
(objected to by Counsel)

Ques 3^r

Was this a subpoena served on you and if so
by whom
(objected to)

Ans 3^o

Subpoena was read to me by our Mr W^m Kirk
(objected to)

Ques 4^h

The Complainant in this cause has filed
a Bill for divorce against Defendant, charging
him with adultery, Excessive cruelty, habit-
ual drunkenness and Moral Conduct.
Now please state if you know of your own
knowledge anything in reference to his being
guilty of these charges or either of them

Ans 4^h

I do not

Cross Examined by J P Tanner Esq
Complets Counsel

Ques 1st

In what part of the County do you reside, state
particularly the locality

Ans 1

I reside in Elk prairie 12 miles from Mt
Vernon

Ques 2^o

State if you know when Complainant and

Defendant resided at the time they separated
as near as you can

Ans 2^d My understanding was they resided in the N^E
part of the County of Jefferson

Quest 4th Did you or not ever see the Defendants in Elk
prairie If yes when where how often, and
under what circumstances. please state particu-
larly all you may know about him in any
wise connected with Elk prairie and any of its
Inhabitants

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Ans 4th I saw the Defendants in Elk prairie some 2 or
3 times at the widow Abneys. One time in the
neighborhood of that place. at the time I saw
him in the neighborhood of that place him &
her was in a buggy riding along. I think this
was in the last of March or first of April 1869.
at one time when I saw him at Widow Abneys
he was nailing some boards on a sled. at another
he was helping her in the garden

Quest 5th At the time you saw them in the Buggy were
they in a road or not. state particularly whether
where they were, and how they acted

Ans 5th They were not in the road, close by a house
making towards the Road, in the prairie

Ques 6 Were they not going toward the timber and from the settlements, and do you not know that they entered the timber, and how far were they from the timber and do you not know that they entered the timber

Ans 6 They were going toward the timber but not going from the settlements but going from the settlement but going from one settlement to another They were about a quarter of mile from the timber I do not know that they entered the timber

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Ques 7 What time of day was this, and what direction were they going

Ans 7 It was from one half to one hour by sun in the morning, they were going West.

Ques 8 Was the timber on the West side of the prairie densely settled

Ans 8 The timber on the West side is thinly settled.

Question 9 Were they going Towards or from her house

Ans 9 They were going Towards her house

Ques 10 Were they or not emerging from the timber when you saw them

Ans 10 They was not

Ques 11 How far were they from the timber in the rear of them

Ans 11 I suppose from the brush and some scattering timber it was not more than one quarter of a mile

Ques 12

During the winter and Spring of 1860 was it or not commonly reported in the neighborhood of Mrs Abney that she kept an ill governed and disorderly house
(objected to by Defts Council)

Ans 12 There was such Reports in the winter. I dont know anything of my own knowledge
(objected to by Defts Council)

Ques 13 Did you or not hear such rumor as late as the month of March

Ans 13 Yes during the month of March there was such Reports

(Question & Ans objected to by Defts Council)

Ques 14 Was the Defendant at the house of Mrs Abney during these rumors you speak of before or after

Ans 14 He was there afterwards

Ques 15

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Did or not any women of lewd character reside with Mrs Abney at any time. If yea. state particularly at what time

Objected to by Defendants Counsel

Ans 15

There had during the winter of 1859 & 1860

Ques 16

Do you of the Defendants having a son residing with Mrs Abney. If yea when & how long did he so reside

Ans 16

I do not know it. From what he had I never saw him there

• (Question was objected to by Deft

Reexamined by Defts Counsel

Ques 1

That morning you saw them riding together whose house were they close by

Ans 1

James Hicks

Ques 2

Did you see any ^{or} team a short way off in the direction in which they were going

Ans

I did not see any team whatever

Ques 3

Do you know that Mrs Abney wanted to buy

a yoke of oxen and did you not tell her on the day before James Kirk had a yoke to sell

(Both branches of Interrogatory objected to

Ans 3 It may be the case if so I do not recollect it

Ques 4 Did you not tell Mrs Abney James Kirk had two yokes of oxen to sell

Ans 4 Very possibly I told her before that time

(Ques & Ans objected to by self counsel

Ques 6 Was not this report of her keeping an ill governed house on account of that lewd woman being at her house

Ans I think it was myself

Ques 7 Do you know whether Mrs Abney hired this woman to work for her as a hired hand or whether she kept her for carrying on a lewd house for profit and also state how long this woman staid at her house as near as you can

Ans 7 There has two lived there with Mrs Abney the first one I understood she had hired to work for her after she went of the other went there to live as one of the family was my understanding

(objected to by Dfts counsel by not
being responsive to the answer)

Ques 8 How did you get your information under-
standing she was one of the family and
not hired

Ans 8 The way I got my understanding I think
my wife told me so: she was owing me a
small amount I wanted her to pay it
she said she could not do it she was living
as one of the family: she had lived frequently
at my house & I had once paid her she had
worked at my house by days work I had hired
her to cook at my wheat threshing

(objected to by pliffs counsel)

Ques 9 Did you ever know anything against the
character of Mrs Abby

Ans 9 I never did know anything against the
character of Mrs Abby myself

Ques 10 Is it not very hard in the country to obtain
good female help: And was not a woman
in Mrs Abbys situation in need of help as
well as others in the neighborhood, and were
not both these girls in the habit of hiring out
among people of respectable character

(all Decs affected to by Compts Annals)

Ans 10
E

I dont know about Mrs Abnys reading womeans help. I think she needed mans help more. One of the girls no person would scarcely have about their houses. The other had lived among all the neighbors round, had lived at Mr Abnys during his lifetime.

John Darnall

Lucinda Abny bring sworn on her oath deposes & says as follows To wit

Ques 1st What is your name, age & residence
If you know the parties in this cause state
how long you have known them respectively

Ans 1st My name is Lucinda Abny - age thirty three
F years residence Jefferson County Illinois in
Elk Prairie 12 miles from Mt Vernon
I have known Mr Erasmus a little while
am not acquainted with his wife.

Ques 2^d Are you a widow and if so when did
your husband die also state the number
of your children & their ages

Ans 2^d I am a widow my husband died 26th of

p 4

October 1858) I have five children living & two
dead my eldest was born in 1849 second was born
in 1850 the third born in 1852 fourth in 1855 fifth
in 1857 being the youngest. Three boys & two girls

Ques 3 Did your Husband die leaving a farm in
your possession and if so what size farm

Ans 3^d My husband left at his death in my care &
under my Control one Hundred and twenty acre
under fence mostly in Cultivation 8 or 9 acres
in meadow

Ques 4 Now please state how Mrs. Erismen came
to your house and when, and the reason
that he came there also state further whether
the Defendant was guilty of any immoral Con-
duct to your knowledge whilst about your
house

Ans 4 I suppose he happened there he wanted a
man to go and live on his place is what my neigh-
bors told me. he came in February 1860
the Defendant was not guilty of any immoral
Conduct while about my house. I keep no such
Conduct about my house.

Ques 5 State whether Mr. Erismen done any work while
at your house, and if so what it was, and

how long he staid there

Ans 5 He cleaned off the meadow, made a fence about $\frac{1}{4}$ of mile long staked and ridged a fence about same length and fixed up the garden I had him hired about two weeks he had his little boy there with him during said time

Ques 6 Please Explain all about those girls spoken of by John Darnall, being at your house and whether they were hired or living as members of the family, and whether your husband ever hired those girls in his lifetime and also anything further that you may know in reference to your need of hired female help

Ans 6 In my husbands lifetime we was all down with the flux Except myself. This girls (Melby) was sent for by Mr Abney to wait on the family while sick we gave her 50 cents per week he told me on his death bead to keep her as long as she behaved herself I never saw anything amiss in her while she staid at my house there was no one come to see her. When I was gone she chopped wood and made fires took care of my children like a man. while she was there after my husbands death I had twin children and required her assistance
The other girl Sarah Darr my husband

hired her in his lifetime. After his death she came there and wanted to hire. I told her I did not want her. My sister-in-law said she would take her if she was one. I had my corn to gather and pick in a sack. and she helped me and took a good deal of burthen off my hands. She lived a week & John Willbanks at Josiah Willis, about 6 months at John Martins about 6 weeks at Esqr Wilsons. About 6 weeks she was living with me as a hired girl. I told I could not pay her any money I would pay her in clothes. I paid about 50 cents per week.

Ques 7

Was the Defendant Crisman guilty of any bad conduct such as adultery or other lewd conduct about your House in or about the month of April 1860. or at any other time to your knowledge, if he was state with whom

Ans 7

He was not (he was attending to his business fixing the fence as I stated before.) nor at any other time that I know of

Ques 8

Please now explain how you and the Defendant went a buggy riding when you started and where you were going to

Ans 8

William Bright told me James Kerk had a yoke of oxen to sell and he thought I could get them This was Sunday evening - On Monday morning I said I would walk down Mr Errismen said he would take the buggy and we would ride down there & he would see the steers he would be a better judge of the worth of the steers than I would be I thought no harm of riding in the buggy than I do of sitting here now

(objected to by Pliffs Counsel)

Ans 9

How was it you and Mr Errismen went across to the timber from James Kerk's house

Ans

Before we got to the house I saw a waggon took it to be James Kerk's we turned and went a short distance and saw it was not him we then turned and went to his house

Secunda^{ly} X Abby
mark

Adjourned till tomorrow morning
at 9 O'clock A.M.

Friday Morning August
7 1860 Plaintiff and Defendant present

Elvira Buffington being called and sworn
deposes as follows To wit

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Question 1st Same as to William H Fry

Ans 1st My name is Elva Buffington, age thirty five
residence Jefferson County Illinois. I am
acquainted with the parties in this cause
I have known the Complainant ever since
I could recollect. I have known the Defen-
dant about two years

Ans 2^o Same as to William H Fry

Ans 2^o I resided in their neighborhood a little over
one year before their separation at the distance
of about $\frac{1}{2}$ mile I visited them some times

Ans 3^o Same as to William Fry

Ans 3^o I never saw anything wrong with them.
I never saw anything amiss in Defendants
Treatment of Complainant at any time

Ans 4^o Same as Question 6 put to Mr Fry

Ans 4^o I never saw any unkind or immoral con-
duct whatever on the part of Defendant
in reference to his family. So far as I know
he treated her well

Ans 5 Same as question 7 to Mr Fry

The family always had plenty while I was about there I never saw him drunk or drinking or knew of his keeping liquor about the house while I was about there

Questh State whether you know any thing about M^r Casey Complainant's Brother coming to Defendant's house in his absence, and whilst there how the Complainant and her said Brother acted so far as you saw, and how long this was before they departed

Ans^r He came there in August whilst Defendant was gone to Carlyle They went out to look at the corn this was in August 1859
(Objected to question & answer by Compt^r)

Ques^r How long were they out to the best of your knowledge and what did she do with the children Also state if one of the children at while afterwards got away and went after its mother
Objected to by Compt^rs Council

Ans^r They were out something near 1/2 hour one of the children followed her and I kept the baby at the house
(Answer objected to by Compt^rs Council)

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Ques 8 - How old was the child that followed her to the
last of your knowledge
Objected to by Compt

Ans 8 - It was the oldest one I don't know how old it
was
Objected to by Compt

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Ques 9 Was it 1, 2, or 3 years old or was it over
3 years old. I don't want the exact age
only as near as you can come to it judging
from appearances

Ans 9 It was over 2 years old I would judge
(Ques 9 ans objected to by Compt)

Ques 10 Did you see what direction they went in & if
so, state if there was any timber in the direc-
tion and near to where they were going.

Ans 10 I did not. I never got up I was in the house
(objected to by Compt)

Ques 11 - Was the corn in tassels at the time and state
of your know of your own knowledge what
their business out was

Ans 11 The corn was in tassels. They said they were out

to look at the crop

Objected to by Complt

Ques 12 Please state what you know about Complainant's visiting with her neighbors whilst you knew them to the best of your knowledge and belief and if you know of the Defendant ever preventing her from going when and where she pleased, and also state whether Complainant was in the habit of walking or riding

Ans 12 She visited my father's some times as to her visiting Else where I know nothing about it I never knew him to prevent her from going when she pleased She generally rode when she came to father's

Ques 13 State if you know who maintained the Defendant's children since their separation, and whether you know of the Defendant paying any store debts, contracted by Complainant since their separation

Ans 13 I do not know who maintained the children nor of his paying any store debts

Ques 14 Where has the Defendant's ^{older} child been living with since the separation of Defendant & Com

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plainant or who has had the custody and charge of that child since that time to the best of your knowledge and belief

H
Ans 14 Mr Gilberts folks kept it a while I dont know how long I dont know who had the control of it I expect Gilberts folks had while they kept it

Ques 15 State what you know in regard to Defendant boarding at Gilberts or living there since him and his wife parted and whilst said child was at Gilberts

Ans 15 He said he boarded there I never was in the house after him and his wife parted
objected to Ques. ans by counsel

Ques 16 State whether to the best of your knowledge the youngest child was a baby at the breast at the time of the separation of Compelt and says whether it is still in that condition & unweaned and also whether the Compelt has had both the children living with her and in her care from the time of their separation up to the present time and please state all you know about these matters to the best of your knowledge and belief

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plainant or who has had the custody and charge of that child since that time to the best of your knowledge and belief

H
Ans 14 My Gilberts folks kept it a while I don't know how long I don't know who had the control of it I expect Gilberts folks had while they kept it

Ques 15 State what you know in regard to Defendant boarding at Gilberts or living there since him and his wife parted and whilst said child was at Gilberts

Ans 15 He said he boarded there I never was in the house after him and his wife parted
objected to Ques. ans by counsel

Ques 16 State whether to the best of your knowledge the youngest child was a baby at the breast at the time of the separation of Complot and says whether it is still in that condition & unweaned and also whether the Complot has had both the children living with her and in her care from the time of their separation up to the present time and please state all you know about these matters to the best of your knowledge and belief

Ans 16 Yes the youngest one was; and it is still unweaned. so far as I know she has had the pox once over all the time. the eldest one has not been in her care that I know of. I don't know much about it any way

Cross Examined by J B Gam
Compt's Council

Ques 1st How many times were you at the house of Compt & deft prior to the separation and when

Ans 1 I don't know how many times I was there I don't recollect when I was there

Ques 2 Were you ever there when the deft was at home if you state how many times, and when to the best of your knowledge and belief

Ans 2^d I have been there when the deft was at home I think may be some 5 or 6 times along during the summer of 1839

Ques 3 Have you now any definite recollection of seeing the deft ~~at~~ at home on any other occasion than the day you washed for complainant

Ans 3 I have

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Ques 4th Please enumerate the times to the best of your knowledge & belief

Ans 4th I was at their house once when he was sick. I went ^{and} staid with his wife a while. I went there on an errand once when he was at home I went there one evening when he was at home but not at the house I dont now recollect any other time

Ques 5th What was the average length of time of your visits when there

Ans 5th Some times I staid 1 some time 2 or 3 hours

Examined by Defendants

Ques 1st Please state whether you have not staid at the house of Defendant during last year as much as 2 or 3 days or a week at one time

Ans I did but he was not at home

Ques 2^d Please state whether you did at any time whilst at Defendants house hear his wife complain of bad treatment or any thing

of the kind

Objected to by Compt

Ans 2^o No I did not

Objected to by Compt

Olivia ^{her} Buffington
mark

Ozella Buffington being called and sworn
deposes and says as follows Court.

Question^{er} What is your name age residence
state if you are acquainted with the
parties in this suit. and if so how
long have you known them respectively

Ans 1st My name is Ozella Buffington age twenty
two years residence Jefferson County
Illinois

I have been acquainted with the parties
to this suit about 4 years

Ans 2^o Same as to Olivia Buffington & I spent my

Ans I lived in about 1/2 mile of them some
2 years I was there very often last summer
passing and repassing

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Ques 3 Same as to Wm St Jny

I
Ans 3^d I never saw anything wrong till the Sunday morning they parted. I went in she was talking to him trying to keep him from going hunting on Sunday. She was crying. I never saw any mistreatment by Deft of Complainant

Ques 4 Same as question 6 to Wm St Jny

Ans 4th I never saw any unkind or immoral conduct on the part of Deft in reference to his family. I don't know that I ever saw any man treat his wife better than Deft treated his wife.

I never saw him drunk or drinking or keeping liquor about his house whilst I was about there

Ques 3^d Did you ever whilst about the Defendants house. And whilst the Defendant and Complainant were living together hear Complainant say that her husband was cruel, and unkind to her in any respect whatever if so state what she said about him and his treatment of her

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Ans 5th I did not

Ques 6 - Have you not heard her speak in praise of him whilst living together & if so state what she said

Ans 6 I didn't know that I did. only they wanted a beef to kill and he had some of his own and she did not want them killed and he bought one^{and} killed it to please her

Ques 7 - After they separated did she leave one or both of the Defendants children If one please state which it was and if it is a babe at the breast at this time

Ans 7 She took the babe It is yet at the breast

Ques 8 Who had the care of the eldest one since they separated

Ans 8 I reckon he has

Ques 9 Was she now had the care of the eldest child since they separated

Ans 9 No not that I know of

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Ques 10 Please state what the conversation was between Compt & Deft on the day they separated ^{and} at the time you have spoken of and if you were present when Defendant left the house state whether the Complainant was there after Deft left and also state all you know about her leaving on that day -

Ans 10 I went there on the morning they parted his father was sitting out on the porch I asked him where Cynthia was he said she was in the house I went in ^{and} her ^{and} Mr. Ernesman was sitting on the bed talking he went ^{and} got his gun. I heard her say Oh dont go a hunting to day he said I will I was there when Deft left I did not stay long. Complainant was there when I left

Ques 11 Please state whether you saw him on that day - beat or abuse in any manner what ever the Complainant

Ans 11 I did not

Ques 12 Did she on that day complain that he had beat or mistreated her, upon that day

Ans 12 Do not to me

Cross Examined by J B Garner
Council for Complainant

Question 1st Were you at the house of Consett and left the sabbath before they parted, if yes which then, did the Deft come to the house if yes in what manner did he come

Ans 1st I was there. he came while I was there with his gun.

Quest 2 Was the father of the Defendant there at that time. if yes did he see him come home with the gun

Ans 2nd He was we were sitting at the supper table and he could not help seeing him with the gun

Quest 3rd State if you please whether or not during before they separated you heard any wailings or distressed cries of the Complainant at her own house

Ans 3rd My husband was gone to meeting that night I was up and I thought I heard a noise like some person crying in that direction

Ques 4 Was there or not any other house in that direction between yours & that of the complainant and Defendant

Ans 4 There was not

Question 5 When you went to the house in the morning of their separation did Mrs Erresman show any symptoms of distress or weeping

Ans 5 She looked like she was in trouble

Examined by Defts Council

Ques 1st Are you certain whether it was singing or crying you heard the night you speak of

Ans 1st I dont think it was singing. it went more like crying than anything else

Ques 2^o Are you certain whether it was a mans voice or a womans that you heard or either

Ans 2^o I cant be certain which it was I just heard a noise

Ques 3 You were asked if Mrs Erresman showed signs of distress on the morning they parted

by weeping & now state from what you saw
 and heard upon that occasion if it was not
 because Mr. Erriman was going out a gunning
 that the Complainant was weeping.

Ans 3^d She was crying all the time I staid
 I cannot tell what it was about
 Ozella ^{her} Buffington
 mark

Mary or Pally Buffington being called
 and sworn on her oath deposes and says as
 follows To wit

Question 1st What is your name age & residence
 and if you are acquainted with complain-
 ant and Defendant in this action how long
 have you known them respectively

Ans 1st My name is Mary Buffington my age
 seventeen years. residence Jefferson Coun-
 ty Illinois I have been acquainted
 with the parties in this suit about 4 years

Question 2^d How far did you reside from where the
 Complainant and Defendant lived before
 their separation

Ans 2^d About one mile

Ques 3^e

Were you on terms of intimacy with the family of Deft & Campbell and in the habit of visiting their house frequently up to the time of their separation

Ans 3^e

I was

Ques 4

Did you ever know of the Defendant while you were about their house in any wise mistreating or abusing his wife

Ans 4

They had some few words

Ques 5

Same as Question 6 to Westbury

Ans 5

I heard him cursing one day at the Table he treated her very well I was going to meeting from there he was asking me about meeting in reply to my statements he said it was hell, he said he would be damned if there should be any more going to meeting from there. They had better be at work than going to the God damned meetings they were very good to each other Except at that time about the meeting

Ques 6

Were you hired at Mr Erismans at that time

Ans 6 I was

Ques 7 How many times had you been at meeting that week before this conversation took place at the Table

Ans 7 I had been about 3 nights

Ques 8 Did you stay generally all night and come back next morning or come back the same night you went to meeting

Ans 8 I came back next morning

Ques 9 When he was swearing at the Table as stated by you, was he cursing his wife or swearing because you went to meeting so often and state how far it was to meeting from Cresmans house

Ans 9th He was mad at both

Ques 10 Did you ever hear the Complaint at any time while they were living together, say any thing about Deft being a good Husband
If so state what it was when it and how long before the operation took place

Ans 9 I heard her say he was good to work

Ques 10 Did you ever hear her say he diff was bad to her while they were living together

Ans 10 I never heard her say anything about it

Ques 11 Was the Complainant had the oldest child in her care since they parted

Ans 11 Not that I know of

Ques 12 Were you living at Complainants house after she was confined with her last child. if you state if she at that time complained of her husband mistreating her in your hearing

Ans 12 I never heard her say anything about it

Cross examined by J B Gann
Complets Connect

Ques 1st How long did you remain with Mrs Ensmen

Ans 1st One week & 4 days

Ques 2 Was it not a part of the agreement you made when you went there to live

That you went to go to meeting

Ans^r It was, and in consequence I was to get less wages

Question & ans objected to by Defts counsel

Examined by Defts counsel R. S. Nelson

Question^{1st} Was there any contract between Mr. Erri's man & you that you should go to meeting 3 nights in the week & stay all night at the time you hired

Ans^r I did not hire to him I hired to his wife

Mary^{the} Buffington
mark

John Bagwell being called & sworn deposes & says as follows To wit

Question^{1st} What is your name, age & occupation place of residence, and if you know the parties in this cause state how long you have known them respectively

Ans^r My name is John Bagwell my age is forty four years residence Jefferson County Illinois

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I have known Mr Erismann about 4 years
and Mrs Erismann 17 or 18 years

Quest 2^d Are you Sheriff of Jefferson County if so
state how long you have acted as such
as near as you can

Ans 2 I am Sheriff of Jefferson County and have
acted as such about 21 months

Quest 3 Were you present at an examination
before John Watson a Justice of the Peace of
this Jefferson County in a suit between the
People and the Defendants. when E B Wood
brother in law of the Complainant was sworn
as a witness. If you please state as near as
you can in substance what the said E B.
Wood swore upon that occasion and further
I wish you to state whether you recollect any
thing about said Wood stating upon oath
that what he swore upon that occasion was
all he knew in regard to the difficulty
between Erismann and his wife

Objected to by Compt's Council

Ans 3 I was present at one suit when E B Wood
was sworn as a witness in which the People
were Plffs & Isaac Erismann Defendant

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I don't recollect all that Mr Wood stated on that occasion I do recollect that about the wind up of his testimony he said, That is about all I know

Offreted to by Compet^d Council

Ques^t

Are you acquainted with the Real Estate owned by the Deft at the Commencement of this suit if yes, state what was the quantity and value in cash as near as you can per acre

Ans^r 4th

I am. I think there is about 280 acres in the Honeyphus tract and about 80 acres in the tract he lived on as a home-
stead I think the average value about seven Dollars per acre

John Baywell

State of Illinois
Jefferson County *Set* I John R. Satterfield
a Justice of the Peace
in and for said County of Jefferson and
State of Illinois do hereby certify That
William B. Fry, John Darnall Lucinda
Abney Elvira Buffington, Ozilla Buffington
Mary Buffington and John Baywell whose
names are subscribed to the foregoing
Depositions was previous to any interrog

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stories being put by me severally sworn
to testify the truth, the whole truth and
nothing but the truth as witnesses in the
above named cause, and that the fore-
going depositions by the aforementioned witness
as subscribed was reduced to writing by
me and taken at the time & place specified
in the annexed order and after said
Depositions was completed and written out
as appears above the same was read
the several witnesses and they upon their
oaths said each for him or her self that
the matters and things therein contained as
therein set forth were true to the best of their
knowledge & belief. Given under my hand
& seal this 17 day of August 1860

John R Satterfield J.P.

State of Illinois
Jefferson County J^{ss} J. W. Dodds Clerk of the
County Courts in and for
said County, do hereby certify that John R
Satterfield before whom the Depositions were
taken is and was on the day of the date of the within
Certificate thereof an acting Justice of the Peace
in and for said County, duly elected, Commis-
sioned and qualified according to Law, that
full faith and credit and due all his official acts as
such Justice Given under my hand & official seal
at my office in Mt Vernon, this
18th day of August A.D. 1860
J. W. Dodds Clerk County Courts
J. P. Banner Clk

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Cynthia C. Erismant
or
Isaac Erismant

John R. Satterfield D. P. fees
Taking Depositions 6050 words \$ 10.50
Certificate, 25 = 3 Spas. 56 .81 11.31
George Bodin Cont-Surp. &
and mileage 1.40
William H. Dry Witness fees \$ 130
John Darnall " " 1.20
Lucinda Abney " " 1.20
Elvira Buffington " " 2.10
Ozella Buffington " " 2.15
Mary Buffington " " 2.10
John Baywell " " 2.00
Wm. Dadds Clerk Certificate 35

I certify the foregoing is correct

J. R. Satterfield D. P.

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Deft then called H. T. Lee as a witness who being sworn stated
 I know Mrs. Abney and the neighborhood in
 which she lives. She lives in Elk Prairie
 Jefferson County Illinois. don't know any
 thing about the character of Mrs. Abney in
 neighborhood but never heard anything of
 the kind such as mentioned by the witness
 Baker. ^{then} was called

by the Deft who stated he was acquainted
 in the neighborhood of Mrs. Abney in Elk
 Prairie he lived some 20 miles from
 there. he had relations down there and was
 2 or 3 times in Elk Prairie during last
 year. He was well acquainted with
 Erusman & his wife ever since they married
 never heard anything against Mrs. Abney's
 character nor the character of her house
 nor against Miss Champion or Martin
 the girls spoken of by Baker. Knew
 Martin. She was a respectable girl. The
 other he had no personal acquaintance
 with. Erusman & wife always got along
 well all the time he knew them lived
 within a mile or a mile & a half of there
 for the last 3 years. never heard or knew
 of him mistreating his wife. Cyrus Dobbs
 & Martin ^{Bayard} were then called by Deft
 who stated they were both acquainted with

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Erismaw & his wife since their marriage
live close by them. never heard of any disturb-
ance between them they got along well
never saw Erismaw mistreat his wife
at any time

Deft then called John Erismaw
to the stand who stated as follows. I and
the father of Deft was at their house when
they parted had been staying there some
5 or 6 weeks before. never saw any difficulty
between them nor was any marks or scars
upon her the day she left that I saw. Isaac
my son some days before they parted throw
a clock and a glass out of the house. the
clock was old. would not run the glass
was of no account. it was an old broken
looking glass - I told Cynthia I would
give her a new clock & glass. I told her
to take up the clock and put it in a
box in the back kitchen which she did
the day she left. Isaac had in the morning
left the house and gone hunting. I saw
no mistreatment before he left. she said
after he left Isaac had sued her father and
she would not live with him a day longer.
I afterwards went out to a neighbors house
and on my return I found the following
paper (then the paper was produced

and admitted by complaint to be
 her hand write and the same left by her
 at Deft's house the morning she left,
 which paper is in the words & figures
 following.

3 years & 3 mos ago Today you
 made me your wife - I love you still, and
 expect to love you while I live Take care of
 yourself & don't get sick. & be kind to your
 father" When Isaac came home he asked
 for Cynthia I told him she was not there
 He went out to see if he could find her
 but she was gone This was in the after
 noon

Cross examined. I never said to
 Mrs Gilbert that Isaac choked her until
 I could see the prints of his finger nails nor
 did I ever tell Mrs Gilbert that Isaac
 kicked her out of the house or over a stump
 nor did I tell Cyrus Dobbs some months
 ago that I would not give cents for a man
 who would not swear a lie to keep his son
 out of the penitentiary that I recollect of
 the Deft here tested his case.

Mrs Gilbert was then called who stated
 on behalf of Compl't Old man Eruman
 told me at my house that Isaac had
 choked his wife until he could see

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the prints of his finger nails thrown her out of the house and kicked her over a stump. Old man Errisman offered me \$30 - if I would go away and not appear as witness against his son in this cause.

Cross examined. Says I Told Himan Mahaffy that Isaac Errisman the defendant had took a saddle from me which the old man gave me and I intended to appear against the defendant as a witness if called upon - that he had acted the dog - I lived close by Errisman and his wife about two years and I never knew of Errisman mistreating his wife in any way.

Martin Byard was then called by Dep^r who stated - I am acquainted with Mrs Culberts character in the neighborhood in which she lives. It is bad for truth. I would not believe her upon oath.

Being Cross examined says - I have heard some four or five persons speak of her character - I live close by her - there are about twenty families living in the neighborhood - I have not much personal acquaintance with her - though I know her very well.

Calib Holliday being recalled

by Deft says I know Mrs Gilberts character in the neighborhood where she lives - I live in the same neighborhood her character is bad for truth. I would not believe her upon oath from what people say about her

Cross examined by Compt - I have heard a good many talk about her. Perhaps as many as three persons or more I can not say how many

Deft then called George Garrison who stated that he lived in the neighborhood of Mrs Gilbert - knew her character in the neighborhood where she lived - Witness lived about three miles from where she now lived In that neighborhood her character for truth was bad - Would not believe her upon oath.

Cross examined by Compt - Says I did had a difficulty once with her - for three years past I have lived about three miles from where she lived

Wm Thoburn being called by Deft says I know Mrs Gilbert and her character for truth in the neighborhood where she lives is bad I would not believe her on oath Being cross examined says -

I had once a difficulty with her
 Cyrus Dobbs was then recalled by
 Compt who says he knew Mrs Gilbert
 for about a year and a half and
 never heard anything against her char-
 acter in the neighborhood where she now
 lives. Old man Erasmus told me
 some few months ago in a conversation
 that he would not give a dam for a
 man that would not swear a lie to
 keep his son out of the penitentiary.
 don't know what we were talking about
 or what gave rise to the remark

Cross examination of John Darabell by
 Compt's atty

Ques 1st In what part of the County do you reside
 state particularly the locality

Ans 1 I reside in Elk Prairie 12 miles from
 Mt Vernon

Ques 2 State if you know when Complainant
 and Defendant resided at the time they
 separated as near as you can

Ans 2 My understanding was that they resided

in the N E part of the County of Jefferson

Ques 4 Did you or not even see the Defendant in Elk Prairie if yes when where how often and under what circumstances please state particularly all you may know about him in anywise connected with Elk Prairie and any of its inhabitants

B
Ause I saw the Defendant in Elk prairie some 2 or 3 times at the widow Abneys out time in the neighborhood of that place at the time I saw him in the neighborhood of that place him and her was in a buggy riding along I think this was in the last of March first of April 1860 at one time when I saw him at widow Abneys he was nailing some boards on a sled at another he was helping her in the garden

Ques 5 At the time you said there in the buggy were they in a road or not state particularly where they were, and how they acted

Ause They were not in the road close by a house making towards the Road in the prairie

Ques 6 Were they not going toward the Timber

and from the settlement. and do you must know that they entered the timber, and how far were they from the timber and do you not know that they entered the timber

Ans 6 They were going toward the timber but not going from the settlement but going from one settlement to another They were about a quarter of mile from the timber I do not know that they entered the timber

343 Ques 7 What time of day was this. and what direction were they going

Ans 7 It was from one half to one hour by sun in the morning they were going West

Ques 8 Was the timber on the west side of the prairie densely settled

Ans 8 The timber on the west side is thinly settled

Question 9 Were they going towards or from her house

Ans 9 They were going towards her house

Ques 10 Were they or not emerging from the timber when you saw them

Ans 10 They was not

Ques 11 How far were they ~~was~~ from the timber in the rear of them

Ans 11 I suppose from the brush and some scattering timber it was not more than one quarter of a mile

Ques 12 During the winter and spring of 1860 was it or not commonly reported in the neighborhood of Mrs Abney that she kept an ill governed house and disorderly house

(Objected to by Depts Council)

Ans 12 When was such reports in the winter I dont know any thing of my own knowledge

(Objected to by Depts Council)

Ques 13 Did you or not hear such rumor as late as the month of March

Ans 13 Yes during the month of March then

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was such reports

(Question Vans objected to by Depts Council)

Ques 14 Was the Defendant at the house of Mrs Army during these rumors you speak of before or after

Ans 14 He was there afterwards

Ques 15 Did or not any woman of lewd character reside with Mrs Army at any time If you state particularly at what time

Objected to by Depts Council

Ans 15 There had during the winter of 1859 & 1860

Ques 16 Do you of the Defendants having a son residing with Mrs Army. If you when and how long did he so reside

Ans 16 I do not know it from report he had I never saw him there

(Justin Vans objected to) by Depts

Which was all the evidence given in the case on the part of Complainant and Defendant. The Complainant then asked for the following instructions to the Jury which the Court gave

"Erismann

vs

Erismann 1 The Complainants counsel asks the Court to instruct

the Jury that if they believe from the evidence that the Defendant was guilty of extreme and repeated cruelty they should find for the Complainant

Mrs Erismann

2 That if they believe from the evidence that the Defendant committed adultery they should find for the Complainant Mrs Erismann.

3 That it is not incumbent on the Plaintiff to prove by positive evidence that the Defendant committed adultery but if they believe from the facts and circumstances in evidence that the Defendant committed adultery they should return a verdict for the Plaintiff

4

That if the Jury are satisfied from the weight of the evidence in this case that the Defendant committed adultery they should find for the Plaintiff.

The Court then asked for the following instructions

1. That in this case the Jury have to consider only the question of fact submitted by the Bills of the Complainant and the answers of the Defendant that the facts submitted to the Jury in this case are was the Defendant guilty of 4 times and repeated cruelty to the Complainant before she filed her Bills or has the Defendant been shown to have committed the crime of adultery and unless the Jury can find from the ^{weight} ~~weight~~ of the evidence that the Defendant has been guilty of one or the other or both of these charges the Jury must find the issues for the Defendant

Given

2. That it is the province of the Jury to pass on the character of the witnesses who have testified on the stand in this case and in weighing the evidence in this case the Jury may consider

the Interest of the witnesses in the subject of Controversy - their age relation to the parties and all the surrounding circumstances -

3 ^{the jury} That to warrant the Jury from finding the Defendant guilty of adultery on Circumstantial evidence the circumstances must be so strong that the Jury can come to no other conclusion but that the Defendant was guilty

4 The Jury must be satisfied beyond a reasonable doubt that the Defendant was guilty of the crime of adultery or they cannot find the issue for the Defendant on the charge of Adultery

5 ^{Given} That the forbidding by the Deft of his wife visiting with her relations does not constitute such cruelty as will in Law entitle the Complainant to a divorce; and the Husband has a right to control his own wife in respects to the persons with whom she shall visit and even to exclude her relations from visiting her or from visiting his house. if he if he deems it necessary so to do.

6 that if the Jury were told from the evidence that the Defendant visited a house of ill fame, such visit is open to explanation & if the Jury believe the Defendant visited the house of Mrs Abney in lawful business such visit ought not to be construed into an act of guilt & the testimony of Mrs Abney in reference to his visit of Defr and his business is proper evidence for the consideration of the Jury on that point and to be weighed with the other evidence in the case & circumstances of mere suspicions are not sufficient to warrant the Jury in finding the Defr guilty of an act of adultery."

But the Court refused to so instruct and amended them against the Defr's Consent and gave said Instructions as amended as follows

"Extreme and repeated cruelty in our Law to authorize a divorce need not be born for the space of two years. But the cruelty must be extreme and repeated" and to constitute this cruelty there must be acts or threats which justify a reasonable apprehension of bodily hurt to life health or member Given

More abusive Language and a profane
 epithets, petulance, rudeness, a want
 of civil attentions or such Conduct as do
 not threaten bodily harm, is no ground
 for Removal".

To which ruling of the Court
 in giving said Instructions & refusing Defendants
 instructions as asked for the Defendant then
 excepted. when upon the Jury retired to con-
 sider of their verdict and after due
 deliberation returned into Court the following
 verdict; - That the Jury find the issues for
 the Complainant. The Defendant then entered
 his motion for a new trial and in arrest
 of Judgment and the Defendant in arrest of
 Judgment urged 1st that there was nothing
 on the face of the Complaints Bills to warrant
 the Court in rendering a decree thereupon.
 2nd That the verdict of the Jury was un-
 certain & did not specify with any degree
 of certainty what they did find and that
 a decree without referring to other means
 of knowledge could not be entered upon
 it.

And on the motion for a new trial
 the Defendant 1st urged that the verdict
 was contrary to Law 2 that it was contrary
 to evidence and 3^d that the verdict

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was contrary to Law and evidence and
for those reasons that the verdict ought
to be set aside The Deft also moved for
a new trial because the Court refused
to give proper instructions as asked for
by the Defendant to the Jury but amended
the Instructions & gave them as amended
to the Jury and gave wrong Instructions
as asked for by Complainant and
also moved for a new trial on the ground
of newly discovered evidence and surprise
& in support of his motion filed the following
affidavit

" Cynthia Erismann

vs

Isaac Erismann

Bill for Deceit

This affiant Isaac

Erismann Defendant in the above styled
cause being just duly sworn according
to Law deposes and says that he was
taken by surprise on the trial of the above
cause by the testimony of one James Baker
a witness on behalf of Defendant which
this affiant expects to be able to prove
is false in reference to Lucinda Abney
being a lewd woman & keeping a lewd
house and also in reference to their being
2 lewd women namely Elizabeth Champion

Ed Peggy Martin at said Lucinda's house
when this affair was there

That the said Baker
sent word to this affiant. That he knew
nothing against her or against the character
of Mrs Abney and that he could not
nor would swear any thing against this
affiant or the house of said Lucinda Abney
or herself & this affiant was by this means
deceived & blinded by the statements of said
Baker and did not prepare himself to
impeach him the said Baker or to disprove
his evidence. This affiant can prove on
another trial that the said Baker has not
sworn the truth and the said Lucinda nei-
ther kept a lewd house nor had lewd
women about the house when this affiant
was there and that the said Lucinda does
not sustain that character in the neigh-
borhood in which she lives - and this
affiant can also prove as he believes
that Elizabeth Champion & Mary Martin
do not bear the character of lewd women
in the neighborhood in which s^d Mrs
Abney lives, but this affiant can prove
that said Mrs Abney kept a decent
house and that her character for chastity
is as good as any other woman in the

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Community. This affiant can also prove that he was at said Lucindas on lawful business after he broke up house keeping & rented out his farm and whilst there worked on the farm as another hand.

That this affiant is not guilty of adultery as charged & believes that the verdict of the jury would not have been against if they had been satisfied of the falsity of said Baker's witness and this believes that the Baker assured him he would not swear anything against him for the purpose of deceiving him & preventing his being prepared to contradict him. That this affiant believes he can prove James Kirk John Wilbanks and other respectable citizens of Elk Prairie that said Baker's testimony is substantially false so far as said Lucindas character is concerned and also the character of her house and also the character of the women at said Lucindas when this affiant was there. This affiant was not aware that said Baker would swear as he has done nor did he know what he would swear before he heard him testify at court which has taken him by surprise and hence the

Cause of the verdict being against him
on the ground adultery He therefore
prays a new trial
Sworn to & subscribed } Isaac H. Crisman
before me this 29th August
1860

W. W. Cagaw Clerk

B. & C. Chancery Dept.

But the Court over-
ruled the motion in arrest of judgment
and for a new trial and rendered
a decree for a divorce as prayed for
in Complainant's Bill. Deft. Thompson
prayed for an appeal and tendered secu-
rity as required by law but the Court
refused to allow an appeal until after
the matter of alimony was settled to
which ruling of the Court in refusing
to allow an appeal the Deft. at the
time assented. The Court then
heard testimony on the question of alimo-
ny and ordered Deft. to pay complain-
ant \$200 per annum in quarterly
payments and that the Deft. do surren-
der the custody of his children to com-
plainant to her and that the Deft.
do give Bond and security in \$1500
for payment of alimony and stand

a prisoner in the custody of the Sheriff until he complied with Decree. The Court also ordered That Defendant be perpetually enjoined from disposing of his real estate described in Bill.

The Decree will speak for itself. But it was only intended to prevent the disposal of the Land in case the personal security should not be good which security was approved by the Court without knowledge of its sufficiency and without which approval Dept would have had to go to jail &c. To which judgment of the Court the Dept then assented and then excepted to as the time.

The Dept then entered into an appeal Bond to the Supreme Court of this State which was approved of by the Court.

Whereupon the Dept tendered this Bill of Exceptions to the Court and prayed that the same might be signed sealed and made a part of the Record which is done.

H K O'Melveny Esq
Judge &c

State of Illinois
 Marion County I H W Eagan Clerk of
 the Circuit Court of
 said County do hereby certify that I
 have, pursuant to the instructions of R
 Nelson Esq Defts Attorney in the above
 Cause made out in the foregoing a full
 and complete Record of the proceedings
 in said Cause as far as same extends
 Given under my hand
 & official Seal at Salem
 this Nov 13th 1860

A H W Eagan Clerk
 By J O Chace
 Depy

35

Lucas H. Enerson
Appellant

vs

Leopoldina E. Enerson
Appellee

Filed Nov. 14. 1860.
A. Johnston Clk.

Paid - \$5.00

NOVEMBER TERM, SUPREME COURT of the STATE of ILLINOIS, 1st
GRAND DIVISION.

Isaac H. Errisman, }
vs } Appeal from Marion.
Cynthia Errisman, }

Complainant in the court below filed her original bill against appellant, charging extreme & repeated cruelty; bill filed on the 18th June, 1860, in circuit court of Jefferson Co. praying for a divorce, 2 children by marriage, Franklin D., aged 30 months, and Isaac N. aged seven months.

Def't owns property, real and personal—prays for a divorce, alimony and an injunction against def't from disposing of his property. Oath of def't waived. Bill sworn to. Injunction awarded.

At November term, 1860 appearance of def't was entered. Motion to dissolve injunction entered and injunction dissolved as to personal property.

At the same term a supplemental bill was filed by leave of court, charging adultery. This bill charged 'that the def't did, with divers lewd women, or one at least, whose name your oratrix does not desire to mention, commit adultery;' and also charges habitual intemperance, and with a want of chastity generally, and a disregard for religion and having incorrect ideas on those subjects which his children might learn or were liable to imitate.

Also shows the Def't to be worth Real Estate of the value of \$3,200—prays for a divorce for alimony and custody of the children. Supplemental Bill.

Sworn to. Oath of Def't waived.

Answer filed denying original Bill. Sworn to by Def't. Petition for Alimony pendente lite filed by Compl't at same term. Motion for a change of venue entered. Demurrer and answer to supplemental bill filed on 17th May 1860 at the May Term of Jefferson Circuit Court. Venue changed to Marion County.

Answer to Supplemental Bill.

August term of the Marion Circuit Court: 1860. Jury called and trial. Verdict as follows: We the Jury find the issues for the complainant.

Motion for a new trial and in arrest of judgment. Motion overruled. Appeal prayed for. Appeal postponed until question of Alimony settled.

Divorce granted; Alimony at the rate of \$2,00 dollars per year, and allowed so long as Compl't shall remain unmarried; payable quarterly. Def't ordered into custody until he entered into a bond in \$1 500 conditioned for the payment of Alimony and the Def't perpetually enjoined from disposing of his property described in Bill (being in fact every thing compl't had in the world,) appeal granted on Def't entering into Bond.

Reasons for a new trial.

1st. Verdict against law.

11 2. Verdict against evidence.

3. Verdict against law and evidence.

4. Instructions of court wrong.

5. Newly discovered evidence.

6. Court refusing Deft to ask Baker one of complainants witnesses who heard say Mrs. Abney was a lewd woman.

7. Allowing improper evidence to go to the Jury, and excluding proper evidence from the Jury.

28 Reasons why the judgment should be arrested.

29 1. Because there is no special charge, allegation or clause in the Bill to warrant the verdict of the Jury, and judgment cannot be rendered for that reason on the verdict.

2. There is no special charge of adultery with any person whatever in the Supplemental Bill.

3. That no judgment can be rendered on the verdict of the jury in the cause.

4. The verdict is informal uncertain and insufficient, and no judgment can be rendered upon it.

30 5. Bill of exceptions to ruling of court in refusing appeal before alimony settled and allowed, signed and sealed by the Judge.

34 Bill of exceptions containing evidence, and rulings of court as follows:

Def't moved before going into the trial, to hear a separate examination of comp't's witnesses, which motion the court overruled.

36 Comp't then introduced as a witness Benjamin T. Wood, who states: I am brother-in-law to comp't; never heard of any disagreement until 1858, in the fall, at def't's house, heard hallowing, comp't crying, saw d. f't near house. he did not come in. I was not close to him, but he appeared drunk, asked comp't what was the matter, no reply, appeared to be in distress. In may 1859 saw comp't and def't driving in a buggy, def't seemed inclined to pass, saw something wrong, I asked them to stop and tell me what was the matter, she said he is forcing me from my home and everything that is dear to me; asked comp't if Def't had not made him a good wife. Comp't said she had if let alone, witness said, I intend to take her to old Tom Casey's, and leave her there, and I'll be damned if I live another day with her, she had been brought to bed 6 or 8 days previous to that time, this was in the morning on a damp drizzly day.

38 Cross Examined. Comp't's family and mine intimate, no difficulty until 1858, def't calm and indifferent when he passed my horse. never knew him drunk before the time I have mentioned. Def't appeared to be in a good humor, I don't know that he was drunk, and only judged he was from his taking on so.

39 Caroline Wood. Was present when comp't and def't passed in a buggy, and heard

39

same conversation as her husband, said he would sell out and leave the state in ten days comp't in poor health at the time, babe a week old, comp't crying all the time, comp't said a day or two afterwards that he would not let her visit anywhere, and no one of her relatives should see her, 2nd or 3rd time afterwards that I visited comp't's house, ordered me away, said he intended to act devil, and that comp't should never see a moment's peace if he could help it, and if she did not mind, he would throw her over the fence, and all that she brought there, and she might leave if she wanted to, this was in 1859, she was in feeble health, and flooding condition the first time I saw her, and def't at my house, and remained so the 2nd & 3rd time I saw her.

Cross examined. They were in a buggy at my house, comp't crying, I said I was afraid exposure would kill her, def't said it would be better for her if she was dead.

39

Nancy R. Casey. About a year ago at def't's def't ordered me away, said I should not see my sister; def't acknowledged he had treated her like a dog, and said she should not visit her relatives, def't always treated her kind before that time, and I never knew of any difficulty before then.

40

Thomas M. Casey, comp't's father, def't came to my house about two days after separation; I told him he choked comp't twice, and marks of finger nails were on her throat, had thrown her out of the house, had threatened he would split her open, and wash his hands in her heart's blood, I told him I would offer him no inducement or consideration to confess, but asked him if he did so or not. Def't replied, come out, and I will tell you by ourselves. def't did not deny any of the charges made, I did not go out, but told def't he was a trifling whelp, and had not a particle of moral principle. My son and a ~~daughter~~ ^{nephew} brought her to my house, ^{about 12 o'clock, in the night} with a wound on her neck bleeding.

The wound was two inches long; def't came to my house and denied making the scar on complainant's neck, ^{that he} had in any way mistreated her. The first conversation took place before comp't filed her bill for divorce. The 2nd afterwards. Comp't came to my house at midnight. Def't wanted to call me father. Def't never admitted that he had done as I have charged any other way than as above stated.

41

Laura Gaston, step daughter of Def't. Never saw him strike her mother, heard him curse her while on her knees praying; she prayed for peace; he said God dam your prayers and made a noise with his boots; this was a year and a half or two years ago.

42

James Baker, saw Def't at widow Abney's a house of ill fame by report, in the last of winter or the first of last spring, saw him there two or three times. One time saw him helping widow Abney to milk: about dusk, after saw def't and her picking up sticks in a field below the house about dusk saw nothing wrong; saw him come to Mrs. Abney and go to bed to women, but one woman there when def't came there, saw def't do nothing wrong, def't had his oldest son with him.

43

Cross Examined, Distance from the widows to Def'ts 10 to 15 miles, she had 4 or

11 5 children and a large farm to tend. The 3d time I was there, saw 2 other women there. Miss Champion and Miss Martin, they are called lewd women, had heard twenty neighbors say that Mrs. Abney kept a lewd house. Def't then asked by his counsel the said Baker, to state the name of any person he heard say so, to which Compl't objected, which objection was sustained by the court, and Def't then and there by his counsel excepted the ruling of the Court.

44 The def't then read to the Jury the Depositions following.—on his behalf T. D. Fry
45 stated, he was about defendants house, & worked for him, he was kind & affectionate to
46 his wife, provided well for his family, & never saw any man treat his wife better, moral
character & conduct good, stayed there a month at one time, never saw him drink, or
47 drunk. Calvin Williams hired there about a month, knew them about 2 years, & cut
52 corn there last Fall, treated his wife well, his moral conduct & character good. W. H.
Fry, living 1-4 mile from compl't & def't 2 years, & up to about 4 months before they
parted; def't treated his wife well, he was in the habit of calling at their house, & lived
there about 2 weeks; never saw him treat his wife amiss; provided plenty, character good
& conduct unexceptional.

54 John Darneal, knows nothing against def't's character in any way.—Cross examined,
saw def't at widow's in March or April, 1860, 2 or 3 times, 1st time in a buggy, out
55 riding together, 2nd, he was nailing boards on a shed, 3d time, they were in a buggy,
travelling from one neighborhood to another. Mrs. Abney is reported to keep a disorderly house. I knew nothing myself against her character. In the winter of 1859 & 1860
56 women of lewd character lived there. Re-examined—They were near James Kirk's
57 house when I saw them in the buggy.—She might have been at Kirk's to buy a yoke of
58 oxen, & I might have told her Kirk had a yoke for sale.—The report against Mrs. Ab-
59 ney, was on account of lewd women being about the house, there was two lived with her.
60 She hired one, & the other, I understood, lived as one of the family with her; I got my
61 understanding from what my wife told me; the girl was owing me some & could not pay
62 because she lived as one of the family, as she said to my wife. One of the girls lived
63 with me & the neighbors generally, the other, no person would have.

64 Lucinda Abney. I am a widow, have five children, three boys and two girls. My
oldest, born in 1849. I have 125 acres of farm-land in cultivation. He came to my
house in February, 1860—he was guilty of no immoral conduct about my house—I keep
no such conduct about my house, he told me when he came he wanted a man to go on
his place, he cleared off meadow, made fence and fixed up the garden. I hired him to
do it; he was at my house two weeks.

65 In my husband's lifetime ^{when} we were all sick. Mr. Abney sent for the girl Milly, he gave
her 50 cents a week, he told me on his death-bed to keep her as long as she behaved
66 herself. I never saw her do anything wrong when about me. She chopped wood, made
fires, and worked like a man when I was gone from home, and took care of my children.
67 I had five children, and after my husbands death, needed her help.

The other girl Sarah Dare, my husband hired in his lifetime. She came to me and

11 wanted to hire after his death. She was a good girl to work, and hired 'round amongst the neighbors. John Wiltanks and Esquire Wilson, hired her.—She lived with me as a hired girl.—Def't was not guilty of adultery whilst about my house.

I went to Kirk's to buy a yoke of steers and saw no harm in riding with Def't in a buggy to Kirk's to buy the steers, he was a better judge of cattle than I was. When we got to Kirk's house, I saw a wagon which I took to be Kirk's, and went across to where the wagon was; and when I discovered it was not his wagon I came back to the house.

68 Elvira Buffington.—I resided in their neighborhood for a year before their separation, never saw anything wrong in Def't's treatment of his wife, visited them often, never saw him drinking liquor or drunk.

70 They had one child, the oldest, and Erisman had the care of it after they parted.
73 Saw Def't at home 6 or 7 times in the summer of 1859, I sometimes stayed there two or three hours.

74 Zella Buffington.—In substance the same—lived only 1-2 mile from Def't for 2 years, acquainted with parties about 4 years—there very often last summer, passing and re-passing—never saw any mistreatment on the part of Complainant; was there the morning they parted, his wife was trying to keep him from going hunting;—She was crying; saw no mistreatment, and never saw a man treat his wife better. Erisman has had one of the children since they parted.

77 I was there at Def't's house the Sunday before they parted, the old man Erisman was there—Isaac came in from hunting. I was there the day they parted. Old man Erisman on the porch. Isaac went a hunting—she told him not to go, he said he would; She appeared in trouble, did not see him mistreat her, nor hear her complain of him at any time,—heard a noise there one night before they parted—sounded like a person crying, but am not certain what it was—never saw him drinking or drunk. The morning they parted, she was crying at the time, and showed signs of distress.

79 Mary Buffington.—Knew the parties 4 years—Never saw Erisman mistreat his wife. was often at their house, heard him curse one day when at dinner, about my going to meeting. The meeting was about 2 1-2 miles off, and I stayed all night; he said it was hell, and he would be damned if there should be any more going to meeting. I was hired there, and had been at meeting three nights, was at Complainant's when she had her last child, never heard any complaints from her against Def't.

85 John Bagwell.—Knows the value of Def't's property.—Land worth about \$7,50 per acre, 280 acres.
86

92 H. T. Pace.—Never heard anything against Mrs. Abney's character, as mentioned by Baker; knows Mrs. Abney, and where she lives. It is in Elk Prairie.

Caleb Holliday.—Knows Mrs. Abney's character, and that of Misses Champion and Martin—never heard of anything against their character; Erisman and his wife always got along well, lived within a mile, or a mile and a half of them.

2414-63 Martin Byard and Cyrus Dobbs were called, and stated they knew the Compt't and Def't, and lived close by them;—they always got along well; never knew him mistreat

his wife.

John Erisman, father of Compl't.—There the day they parted,—Isaac went a hunting—she said after he was gone, he had sued her for a husband and she would not live with him any longer—Never saw him mistreat her. She left a paper-writing on the table, now produced, and admitted by Complainant to be her hand writing.—

3 years and 3 months ago, you made me your wife, I love you still, and expect to love you whilst I live; take care of yourself, and be kind to your father.

Cross examined.—I never said to Mrs. Gilbert that Isaac choked her until I could see the prints of his finger nails, nor did I tell Mrs. Gilbert that Isaac kicked her out of the house, or over a stump, nor did I tell Cyrus Dobbs some months ago that I would not give ten cents for a man who would not swear a lie to keep his son out of the Penitentiary, that I recollect of. The Def't here rested his case.

Mrs. Gilbert was then called, and stated that John Erisman did say to her that Isaac choked his wife until he could see the prints of his finger-nails, and had thrown her out of the house, and kicked her over a stump, and offered her 80 dollars if she would go away and not be a witness.

Cross Examined—says, I told Ninian Mabaffy that Isaac Erisman took a saddle from me which the old man gave me, and I intended to appear against him as a witness, if called upon. I lived near Erisman, I never knew him to mistreat his wife in any way.

Martin Byard and Caleb Holliday were both recalled, and both stated that Mrs. Gilbert bore a bad character for veracity in the neighborhood,—and would not believe her upon oath.

George Garrison and William Thoban state the same, each of these witnesses had a difficulty with Mrs. Gilbert.

Cyrus Dobbs was recalled and he knew her, and never heard anything against the character of Mrs. Gilbert, lives near to her, heard John Erisman say he would not give a dam for a man who would not swear a lie to keep his son out of the Penitentiary; can't tell what they were talking about.

Deposition of John Darnal, on cross examination before referred to, and is the same in substance.

Instruction of court 1 2 & 3 objected to because too general courts instructions to the Jury that if they believe Def't was guilty of extreme and repeated cruelty & adultery, they will find for Compl't without specifying the time, or individual, or as charged in Bills of Defendant—objections overruled, and instructions given as asked.

The Court was asked to instruct the Jury as follows—That visiting Mrs. Abrey's house in lawful business, ought not to be construed into guilt; and that circumstances of mere suspicion were not sufficient to warrant the Jury in finding a verdict for Compl't, which the Court refused to give, and Def't excepted to at the time.

Motion for a new trial, and in arrest of Judgement, and reasons for a new trial, see records.

Affidavit setting forth newly discovered evidence and surprise, states—Baker a witness

113
For Compl't: swore falsely on the trial in regard to character of Miss Champion and Mrs. Martin, and also the reputation of Mrs. Abney's house.

The Court overruled motion in arrest of Judgement, and for a new trial, rendered a decree divorcing Compl't and Def't—Def't prayed an appeal, and tendered security.— Court refused to allow appeal until alimony and custody of children was settled. Decreed \$200 per annum, payable quarterly, as alimony—ordered Def't to give Bond and Security, and into custody until he did so, and ordered a perpetual writ of injunction enjoining Def't from disposing of the property described in Bill, and then allowed appeal.

The Def't assigns for error, first, the rendition of said decree for Compl't below.

2d. The rendition of said decree for alimony, after an appeal was prayed.

3rd. Not allowing the witness, Baker to state when asked, who heard him say Mrs. Abney's house was a lewd one.

4th. Not allowing a separate examination as moved for by appellant.

5th. Refusing a proper instruction asked for by appellant,; and amending it and giving it as amended

6th. Giving improper instructions asked for by appellant

7th. Not granting appeal when prayed for by appellant.

8th. Ordering appellant into custody until he gave a Bond for payment of alimony.

9th. In not granting a new trial.

10th. For not arresting the judgement in the Court below. *For proper error assigned upon the record.*

Nelson & Partridge,

For Appellant.

35
 Isaac H. Erismann
 n y appeal from
 Marion
 C C Erismann

abstract of
 appellant's
 case

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NOVEMBER TERM, SUPREME COURT of the STATE of ILLINOIS, 1st
GRAND DIVISION.

Isaac H. Errisman, }
vs } Appeal from Marion.
Cynthia Errisman, }

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Complainant in the court below filed her original bill against appellant, charging extreme & repeated cruelty; bill filed on the 18th June, 1860, in circuit court of Jefferson Co. praying for a divorce, 2 children by marriage, Franklin D., aged 30 months. and Isaac N. aged seven months.

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12
At the same term a supplemental bill was filed by leave of court, charging adultery. This bill charged 'that the def't did, with divers lewd women, or one at least, whose name your oratrix does not desire to mention, commit adultery;' and also charges habitual intemperance, and with a want of chastity generally, and a disregard for religion and having incorrect ideas on those subjects which his children might learn or were liable to imitate.

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Also shows the Def't to be worth Real Estate of the value of \$3,200—prays for a divorce for alimony and custody of the children. Supplemental Bill.

Sworn to. Oath of Def't waived.

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Answer filed denying original Bill. Sworn to by Def't. Petition for Alimony pendente lite filed by Compl't at same term. Motion for a change of venue entered. Demurrer and answer to supplemental bill filed on 17th May 1860 at the May Term of Jefferson Circuit Court. Venue changed to Marion County.

23
Answer to Supplemental Bill.

24
August term of the Marion Circuit Court 1860. Jury called and trial. Verdict as follows: We the Jury find the issues for the complainant.

25
Motion for a new trial and in arrest of judgment. Motion overruled. Appeal prayed for. Appeal ^{refused &} postponed until question of Alimony settled.

26
Divorce granted; Alimony at the rate of \$2,00 dollars per year, and allowed so long as Compl't shall remain unmarried; payable quarterly. Def't ordered into custody until he entered into a bond in \$1,500 conditioned for the payment of Alimony and the Def't perpetually enjoined from disposing of his property described in Bill (being in fact every thing compl't had in the world,) appeal granted on Def't entering into Bond.

27
Reasons for a new trial.

28
1st. Verdict against law.

2. Verdict against evidence.
3. Verdict against law and evidence.
4. Instructions of court wrong.
5. Newly discovered evidence.
6. Court refusing Deft to ask Baker one of complainants witnesses who heard say Mrs. Abney was a lewd woman.
7. Allowing improper evidence to go to the Jury, and excluding proper evidence from the Jury.

Reasons why the judgment should be arrested.

1. Because there is no special charge, allegation or clause in the Bill to warrant the verdict of the Jury, and judgment cannot be rendered for that reason on the verdict.
2. There is no special charge of adultery with any person whatever in the Supplemental Bill.
3. That no judgment can be rendered on the verdict of the jury in the cause.
4. The verdict is informal uncertain and inefficient, and no judgment can be rendered upon it.

5. Bill of exceptions to ruling of court in refusing appeal before alimony settled and allowed, signed and sealed by the Judge.

Bill of exceptions containing evidence, and rulings of court as follows:

Def't moved before going into the trial, to hear a separate examination of comp't's witnesses, which motion the court overruled.

Comp't then introduced as a witness Benjamin T. Wood, who states: I am brother-in-law to comp't; never heard of any disagreement until 1858, in the fall, at def't's house, heard hallowing, comp't crying, saw def't rear house. he did not come in. I was not close to him, but he appeared, drunk, asked comp't what was the matter, no reply, appeared to be in distress. In may 1859 saw comp't and def't driving in a buggy, def't seemed inclined to pass, saw something wrong, I asked them to stop and tell me what was the matter, she said he is forcing me from my home and everything that is dear to me; asked comp't if Def't had not made him a good wife. Comp't said she had if let alone, witness said, I intend to take her to old Tom Casey's, and leave her there, and I'll be damned if I live another day with her, she had been brought to bed 6 or 8 days previous to that time, this was in the morning on a damp drizz'y day.

Cross Examined. Comp't's family and mine intimate, no difficulty until 1858, def't calm and indifferent when he passed my house, never knew him drunk before the time I have mentioned. Def't appeared to be in a good humor, I don't know that he was drunk, and only judged he was from his taking on so.

Caroline Wood. Was present when comp't and def't passed in a buggy, and heard

same conversation as her husband, said he would sell out and leave the state in ten days comp't in poor health at the time, babe a week old, comp't crying all the time, comp't said a day or two afterwards that he would not let her visit anywhere, and no one of her relatives should see her, 2nd or 3rd time afterwards that I visited comp't's house, ordered me away, said he intended to act devil, and that comp't should never see a moment's peace if he could help it, and if she did not mind, he would throw her over the fence, and all that she brought there, and she might leave if she wanted to, this was in 1859, she was in feeble health, and flooding condition the first time I saw her, and def't at my house, and remained so the 2nd & 3rd time I saw her.

Cross examined. They were in a buggy at my house, comp't crying, I said I was afraid exposure would kill her, def't said it would be better for her if she was dead.

Nancy R. Casey. About a year ago at def't's def't ordered me away, said I should not see my sister; def't acknowledged he had treated her like a dog, and said she should not visit her relatives, def't always treated her kind before that time, and I never knew of any difficulty before then.

40 Thomas M. Casey, comp't's father, def't came to my house about two days after separation; I told him he choked comp't twice, and marks of finger nails were on her throat, had thrown her out of the house, had threatened he would split her open, and wash his hands in her heart's blood, I told him I would offer him no inducement or consideration to confess, but asked him if he did so or not. Def't replied, come out, and I will tell you by ourselves. def't did not deny any of the charges made, I did not go out, but told def't he was a trifling whelp, and had not a particle of moral principle. My son and a ^{neighbor} ~~neighbor~~ brought her to my house, ^{about 12 o'clock in the night} with a wound on her neck bleeding.

" The wound was two inches long; ^{afterwards} def't came to my house and denied making the scar on complainant's neck, ^{that he} or had in any way mistreated her. The first conversation took place before comp't filed her bill for divorce. The 2nd afterwards. Comp't came to my house at midnight. Def't wanted to call me father. Def't never admitted that he had done as I have charged any other way than as above stated.

41 Laura Gaston, step daughter of Def't. Never saw him strike her mother, heard him curse her while on her knees praying; she prayed for peace; he said God dam your prayers and made a noise with his boots; this was a year and a half or two years ago.

42 James Baker, saw Def't at widow Abney's a house of ill fame by report, in the last of winter or the first of last spring, saw him there two or three times. One time saw him helping widow Abney to milk; about dusk, after saw def't and her picking up sticks in a field below the house about dusk saw nothing wrong; saw him come to Mrs. Abney's and go to bed to women, but one woman there when def't came there, saw def't do nothing wrong, def't had his oldest son with him.

43 Cross Examined, Distance from the widows to Def'ts 10 to 15 miles, she had 4 or

11 5 children and a large farm to tend. The 3d time I was there, saw 2 other women there. Miss Champion and Miss Martin, they are called lewd women, had heard twenty neighbors say that Mrs. Abney kept a lewd house. Def't then asked by his counsel the said Baker, to state the name of any person he heard say so, to which Compl't objected, which objection was sustained by the court, and Def't then and there by his counsel excepted the ruling of the Court.

44 The def't then read to the Jury the Depositions following.—on his behalf T. D. Fry
45 stated, he was about defendants house, & worked for him, he was kind & affectionate to
46 his wife. provided well for his family, & never saw any man treat his wife better, moral
52 character & conduct good, stayed there a month at one time, never saw him drink, or
drunk. Calvin Williams hired there about a month, knew them about 2 years, & cut
corn there last Fall, treated his wife well, his moral conduct & character good. W. H.
Fry, living 1-4 mile from compl't & def't 2 years, & up to about 4 months before they
parted; def't treated his wife well, he was in the habit of calling at their house, & lived
there about 2 weeks; never saw him treat his wife amiss; provided plenty, character good
54 & conduct unexceptional.

John Darneal, knows nothing against def't's character in any way.—Cross examined,
55 saw def't at widow's in March or April, 1860, 2 or 3 times, 1st time in a buggy, out
riding together, 2nd, he was nailing boards on a shed, 3d time, they were in a buggy,
travelling from one neighborhood to another. Mrs. Abney is reported to keep a disorderly
house. I knew nothing myself against her character. In the winter of 1859 & 1860
56 women of lewd character lived there. Re-examined—They were near James Kirk's
57 house when I saw them in the buggy.—She might have been at Kirk's to buy a yoke of
58 oxen, & I might have told her Kirk had a yoke for sale.—The report against Mrs. Ab-
59 ney, was on account of lewd women being about the house, there was two lived with her.
60 She hired one, & the other, I understood, lived as one of the family with her; I got my
61 understanding from what my wife told me; the girl was owing me some & could not pay
62 because she lived as one of the family, as she said to my wife. One of the girls lived
with me & the neighbors generally, the other, no person would have.

64 Lucinda Abney. I am a widow, have five children. three boys and two girls. My
oldest, born in 1849. I have 125 acres of farm-land in cultivation. He came to my
house in February, 1860—he was guilty of no immoral conduct about my house—I keep
no such conduct about my house, he told me when he came he wanted a man to go on
his place, he cleared off meadow, made fence and fixed up the garden. I hired him to
do it; he was at my house two weeks.

65 In my husband's lifetime we were all sick. Mr. Abney sent for the girl Milly, he gave
66 her 50 cents a week, he told me on his death-bed to keep her as long as she behaved
herself. I never saw her do anything wrong when about me. She chopped wood, made
fires, and worked like a man when I was gone from home, and took care of my children.

67 I had five children, and after my husbands death, needed her help.

The other girl Sarah Dare, my husband hired in his lifetime. She came to me and

wanted to hire after his death. She was a good girl to work, and hired 'round amongst the neighbors. John Wilbanks and Esquire Wilson, hired her.—She lived with me as a hired girl.—Def't was not guilty of adultery whilst about my house.

I went to Kirk's to buy a yoke of steers and saw no harm in riding with Def't in a buggy to Kirk's to buy the steers, he was a better judge of cattle than I was. When we got to Kirk's house, I saw a wagon which I took to be Kirk's, and went across to where the wagon was; and when I discovered it was not his wagon I came back to the house.

Elvira Buffington.—I resided in their neighborhood for a year before their separation, never saw anything wrong in Def't's treatment of his wife, visited them often, never saw him drinking liquor or drunk.

They had one child, the oldest, and Erisman had the care of it after they parted.

Saw Def't at home 6 or 7 times in the summer of 1859, I sometimes stayed there two or three hours.

Zilla Buffington.—In substance the same—lived only 1-2 mile from Def't for 2 years, acquainted with parties about 4 years—there very often last summer, passing and re-passing—never saw any mistreatment on the part of Complainant; was there the morning they parted, his wife was trying to keep him from going hunting;—She was crying; saw no mistreatment, and never saw a man treat his wife better. Erisman has had one of the children since they parted.

I was there at Def't's house the Sunday before they parted, the old man Erisman was there—Isaac came in from hunting. I was there the day they parted. Old man Erisman on the porch. Isaac went a hunting—she told him not to go, he said he would; She appeared in trouble, did not see him mistreat her, nor hear her complain of him at any time,—heard a noise there one night before they parted—sounded like a person crying, but am not certain what it was—never saw him drinking or drunk. The morning they parted, she was crying at the time, and showed signs of distress.

Mary Buffington.—Knew the parties 4 years—Never saw Erisman mistreat his wife. was often at their house, heard him curse one day when at dinner, about my going to meeting. The meeting was about 2 1-2 miles off, and I stayed all night; he said it was hell, and he would be dammed if there should be any more going to meeting. I was hired there, and had been at meeting three nights, was at Complainant's when she had her last child, never heard any complaints from her against Def't.

John Bagwell.—Knows the value of Def't's property.—Land worth about \$7,50 per acre, 280 acres.

H. T. Pace.—Never heard anything against Mrs. Abney's character, as mentioned by Baker; knows Mrs. Abney, and where she lives. It is in Elk Prairie.

Caleb Holliday.—Knows Mrs. Abney's character, and that of Misses Champion and Martin—never heard of anything against their character; Erisman and his wife always got along well, lived within a mile, or a mile and a half of them.

Martin Byard and Cyrus Dobbs were called, and stated they knew the Compl't and Def't, and lived close by them;—they always got along well; never knew him mistreat

his wife.

John Erisman, father of Compl't.—There the day they parted,—Isaac went a hunting—she said after he was gone, he had sued her father and she would not live with him any longer—Never saw him mistreat her. She left a paper-writing on the table, now produced, and admitted by Complainant to be her hand writing.—

3 years and 3 months ago, you made me your wife, I love you still, and expect to love you whilst I live; take care of yourself, and be kind to your father.

94 Crosses examined.—I never said to Mrs. Gilbert that Isaac choked her until I could see the prints of his finger nails, nor did I tell Mrs. Gilbert that Isaac kicked her out of the house, or over a stump, nor did I tell Cyrus Dobbs some months ago that I would not give ten cents for a man who would not swear a lie to keep his son out of the Penitentiary, that I recollect of. The Def't here rested his case.

" Mrs. Gilbert was then called, and stated that John Erisman did say to her that Isaac choked his wife until he could see the prints of his finger-nails, and had thrown her out of the house, and kicked her over a stump, and offered her 80 dollars if she would go away and not be a witness.

95 Cross Examined.—says, I told Ninian Mahaffy that Isaac Erisman took a saddle from me which the old man gave me, and I intended to appear against him as a witness, if called upon. I lived near Erisman, I never knew him to mistreat his wife in any way.

96 Martin Byard and Caleb Holliday were both recalled, and both stated that Mrs. Gilbert bore a bad character for veracity in the neighborhood,—and would not believe her upon oath.

97 George Garrison and William Thoban state the same, each of these witnesses had a difficulty with Mrs. Gilbert.

Cyrus Dobbs was recalled and he knew her, and never heard anything against the character of Mrs. Gilbert, lives near to her, heard John Erisman say he would not give a dam for a man who would not swear a lie to keep his son out of the Penitentiary; can't tell what they were talking about

98 Deposition of Jean Darnel, on cross examination before referred to, and is the same in substance.

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104 Instruction of court 1 2 & 3 objected to because too general courts instructions to the Jury that if they believe Def't was guilty of extreme and repeated cruelty & adultery, they will find for Compl't without specifying the time, or individual, or as charged in Bills of Defendant—objections overruled, and instructions given as asked.

105 The Court was asked to instruct the Jury as follows—That visiting Mrs. Abney's house in lawful business, ought not to be construed into guilt; and that circumstances of more suspicion were not sufficient to warrant the Jury in finding a verdict for Compl't, which the Court refused to give, and Def't excepted to at the time.

110 Motion for a new trial, and in arrest of Judgement, and reasons for a new trial, see reasons.

111 Affidavit setting forth newly discovered evidence and surprise, states—Baker a witness

1st. Compl't swore falsely on the trial in regard to character of ~~Mrs. Champion~~ and Mrs. Martin, and also the reputation of Mrs. Abney's house.

113 The Court overruled motion in arrest of Judgement, and for a new trial, rendered a decree divorcing Comp't and Def't—Def't prayed an appeal, and tendered security.— Court refused to allow appeal until alimony and custody of children was settled. Decreed \$200 per annum, payable quarterly, as alimony—ordered Def't to give Bond and Security, and into custody until he did so, and ordered a perpetual writ of injunction enjoining Def't from disposing of the property described in Bill, and then allowed appeal.

The Def't assigns for error, first, the rendition of said decree for Compl't below.

2nd. The rendition of said decree for alimony after an appeal was prayed.

3rd. Not allowing the witness, Baker to state when asked, who heard him say ~~Mrs. Abney's~~ house was a lewd one.

4th. Not allowing a separate examination as moved for by appellant.

5th. Refusing a proper instruction asked for by appellant,; and amending it and giving it as amended.

6th. Giving improper instructions asked for by appellant.

7th. Not granting appeal when prayed for by appellant.

8th. Ordering appellant into custody until he gave a Bond for payment of alimony.

9th. In not granting a new trial.

10th. For not arresting the judgement in the Court below.

Nelson & Partridge, For Appellant.

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*Brief of points & references relied
upon by appellant*

Isaac H. Errisman, }
vs. } Appeal from Marion.
Cynthia Errisman. }

Supreme Court, Nov. Term, 1860.

1st, As to cruelty being a circumstance from which to infer ^{of} guilt of adultery, See Bishop on Divorce, 432.

2nd, As to adultery being inferred from going to a brothel, See same, Page 434. If Mrs. Abney's house was a brothel, ^{which} is denied.

3rd, Not allowing Baker to state who he heard say Mrs. Abney's house, was a lewd house, is manifestly erroneous. *see*

4th, Refusing to give the 6th instruction asked for by appellant, is also palpably erroneous. *Bishop on Divorce page*

5th, Putting appellant in jail, requiring him to give bond, and also enjoining him, are not alone erroneous, but are wholly at variance with our notions of civil liberty, & shows the court to have been in FUROR.

6th, The verdict is so uncertain that no decree can be entered upon it; it finds no facts, it ought to find some fact upon which a decree can be based; it is uncertain what the jury had reference to, whether original or supplemental Bill. *see Thatcher vs Thatcher*

7th, The evidence does not show even one act of cruelty, but shows, if anything, a conspiracy on the part of comp't with her relatives, to force him to do something to enable her to obtain a Divorce, and shows an attempt to manufacture evidence on the part of her father.

8th, One act of cruelty, if proven is not sufficient to constitute cruelty under our statute, as has been repeatedly held. *see*

Nelson & Partridge for appellant.

NOVEMBER TERM, SUPREME COURT of the STATE of ILLINOIS, 1st
GRAND DIVISION.

Isaac H. Errisman, }
vs } Appeal from Marion.
Cynthia Errisman, }

1 Complainant in the court below filed her original bill against appellant, charging
2 extreme & repeated cruelty; bill filed on the 18th June, 1860, in circuit court of Jefferson
3 Co. praying for a divorce, 2 children by marriage, Franklin D., aged 30 months,
and Isaac N. aged seven months.

4 Def't owns property, real and personal—prays for a divorce, alimony and an injunction against def't from disposing of his property. Oath of def't waived. Bill sworn to. Injunction awarded.

6 At November term, 1860 appearance of def't was entered. Motion to dissolve injunction entered and injunction dissolved as to personal property.

7 At the same term a supplemental bill was filed by leave of Court, charging adultery.
8 This bill charged 'that the def't did, with divers lewd women, or one at least, whose name your oratrix does not desire to mention, commit adultery;' and also charges habitual intemperance, and with a want of chastity generally, and a disregard for religion and having incorrect ideas on those subjects which his children might learn or were liable to imitate.

13 Also shows the Def't to be worth Real Estate of the value of \$3,200—prays for a divorce for alimony and custody of the children. Supplemental Bill.

15 Sworn to. Oath of Def't waived.

17 Answer filed denying original Bill. Sworn to by Def't. Petition for Alimony pendente lite filed by Compl't at same term. Motion for a change of venue entered. Demurrer and answer to supplemental bill filed on 17th May 1860 at the May Term of
21 Jefferson Circuit Court. Venue changed to Marion County.
22 Answer to Supplemental Bill.

23 August term of the Marion Circuit Court 1860. Jury called and trial. Verdict as
24 follows: We the Jury find the issues for the complainant.

25 Motion for a new trial and in arrest of judgment. Motion overruled. Appeal prayed for. Appeal postponed until question of Alimony settled.

26 Divorce granted; Alimony at the rate of \$2,00 dollars per year, and allowed so long as Compl't shall remain unmarried; payable quarterly. Def't ordered into custody until he entered into a bond in \$1,500 conditioned for the payment of Alimony and the Def't perpetually enjoined from disposing of his property described in Bill (being in fact every thing compl't had in the world,) appeal granted on Def't entering into Bond.

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2. Verdict against evidence.
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11 wanted to hire after his death. She was a good girl to work, and hired 'round amongst the neighbors. John Wilbanks and Esquire Wilson, hired her.—She lived with me as a hired girl.—Def't was not guilty of adultery whilst about my house.

I went to Kirk's to buy a yoke of steers and saw no harm in riding with Def't in a buggy to Kirk's to buy the steers, he was a better judge of cattle than I was. When we got to Kirk's house, I saw a wagon which I took to be Kirk's, and went across to where the wagon was; and when I discovered it was not his wagon I came back to the house.

68 Elvira Buffington.—I resided in their neighborhood for a year before their separation; never saw anything wrong in Def't's treatment of his wife, visited them often, never saw him drinking liquor or drunk.

70 They had one child the oldest, and Erisman had the care of it after they parted.
73 Saw Def't at home 6 or 7 times in the summer of 1859, I sometimes stayed there two or three hours.

74 Zilla Buffington.—In substance the same—lived only 1-2 mile from Def't for 2 years, acquainted with parties about 4 years—there very often last summer, passing and re-passing—never saw any mistreatment on the part of Complainant; was there the morning they parted, his wife was trying to keep him from going hunting;—She was crying; saw no mistreatment, and never saw a man treat his wife better. Erisman has had one of the children since they parted.

77 I was there at Def't's house the Sunday before they parted, the old man Erisman was there—Isaac came in from hunting. I was there the day they parted. Old man Erisman on the porch. Isaac went a hunting—she told him not to go, he said he would; She appeared in trouble, did not see him mistreat her, nor hear her complain of him at any time,—heard a noise there one night before they parted—sounded like a person crying but am not certain what it was—never saw him drinking or drunk. The morning they parted, she was crying at the time, and showed signs of distress.

80 Mary Buffington.—Knew the parties 4 years—Never saw Erisman mistreat his wife—was often at their house, heard him curse one day when at dinner, about my going to meeting. The meeting was about 2 1-2 miles off, and I stayed all night; he said it was hell, and he would be damned if there should be any more going to meeting. I was hired there, and had been at meeting three nights, was at Complainant's when she had her last child, never heard any complaints from her against Def't.

85 John Bagwell.—Knows the value of Def't's property.—Land worth about \$7,50 per acre, 280 acres.

86 H. T. Pace.—Never heard anything against Mrs. Abney's character, as mentioned by Baker; knows Mrs. Abney, and where she lives. It is in Elk Prairie.
92

Caleb Holliday.—Knows Mrs. Abney's character, and that of Misses Champion and Martin—never heard of anything against their character; Erisman and his wife always got along well, lived within a mile, or a mile and a half of them.

Martin Byard and Cyrus Dobbs were called, and stated they knew the Compl't and Def't, and lived close by them;—they always got along well; never knew him mistreat

his wife.

John Erisman, father of Compl't.—There the day they parted,—Isaac went a hunting—she said after he was gone, he had sued her father and she would not live with him any longer—Never saw him mistreat her. She left a paper-writing on the table, now produced, and admitted by Complainant to be her hand writing.—

3 years and 3 months ago, you made me your wife, I love you still, and expect to love you whilst I live; take care of yourself, and be kind to your father.

94 Cross examined.—I never said to Mrs. Gilbert that Isaac choked her until I could see the prints of his finger nails, nor did I tell Mrs. Gilbert that Isaac kicked her out of the house, or over a stump, nor did I tell Cyrus Dobbs some months ago that I would not give ten cents for a man who would not swear a lie to keep his son out of the Penitentiary, that I recollect of. The Def't here rested his case.

" Mrs. Gilbert was then called, and stated that John Erisman did say to her that Isaac choked his wife until he could see the prints of his finger-nails, and had thrown her out of the house, and kicked her over a stump, and offered her 80 dollars if she would go away and not be a witness.

95 Cross Examined—says, I told Ninian Mahaffy that Isaac Erisman took a saddle from me which the old man gave me, and I intended to appear against him as a witness, if called upon. I lived near Erisman, I never knew him to mistreat his wife in any way.

96 Martin Byard and Caleb Holliday were both recalled, and both stated that Mrs. Gilbert bore a bad character for veracity in the neighborhood,—and would not believe her upon oath.

George Garrison and William Thoban state the same, each of these witnesses had a difficulty with Mrs. Gilbert.

97 Cyrus Dobbs was recalled and he knew her, and never heard anything against the character of Mrs. Gilbert, lives near to her, heard John Erisman say he would not give a dam for a man who would not swear a lie to keep his son out of the Penitentiary; can't tell what they were talking about

98 Deposition of Jean Darneal, on cross examination before referred to, and is the same in substance.

99 104 Instruction of court 1 2 & 3 objected to because too general courts instructions to the Jury that if they believe Def't was guilty of extreme and repeated cruelty & adultery, they will find for Compl't without specifying the time, or individual, or as charged in Bills of Defendant—objections overruled, and instructions given as asked.

105 The Court was asked to instruct the Jury as follows—That visiting Mrs. Abney's house in lawful business, ought not to be construed into guilt; and that circumstances of mere suspicion were not sufficient to warrant the Jury in finding a verdict for Compl't, which the Court refused to give, and Def't excepted to at the time.

108 Motion for a new trial, and in arrest of Judgement, and reasons for a new trial, see reasons.

110 Affidavit setting forth newly discovered evidence and surprise, states—Baker a witness

113
for Compl't swore falsely on the trial in regard to character of Miss Champion and Mrs Martin, and also the reputation of Mrs. Abney's house.

The Court overruled motion in arrest of Judgement, and for a new trial, rendered a decree divorcing Compl't and Def't—Def't prayed an appeal, and tendered security.— Court refused to allow appeal until alimony and custody of children was settled. Decreed \$200 per annum, payable quarterly, as alimony—ordered Def't to give Bond and Security, and into custody until he did so, and ordered a perpetual writ of injunction enjoining Def't from disposing of the property described in Bill, and then allowed appeal.

The Def't assigns for error, first, the rendition of said decree for Compl't below.

2nd. The rendition of said decree for alimony, after an appeal was prayed.

3rd. Not allowing the witness. Baker to state when asked, who heard him say Mrs. Abney's house was a lewd one.

4th. Not allowing a separate examination as moved for by appellant.

5th. Refusing a proper instruction asked for by appellant,; and amending it and giving it as amended

6th. Giving improper instructions asked for by appellant

7th. Not granting appeal when prayed for by appellant.

8th. Ordering appellant into custody until he gave a Bond for payment of alimony.

9th. In not granting a new trial.

10th. For not arresting the judgement in the Court below. & for other errors assigned upon the records Nelson & Partridge, For Appellant.

Emerson

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Emerson

Arthur

Frederic Deer 1860
W. L. Garrison

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Erismaw

Opinion by Caton Ch J.

. It was matter of discretion with the Circuit Court, whether the complaints ^{would} should be separated during their examination and we will not inquire whether that discretion was judiciously exercised or not. Nor do we find sufficient in the Cross Examination of the witness Baker to ~~compel~~ ^{require} us to ~~the~~ reverse the decree on that account. Admitting that the Court Erred in refusing to allow the question which the defendant put to ~~him~~ ^{Baker} on cross examination to be answered and it could not possibly have prejudiced the defendant. Bakers testimony was confined exclusively to the matter set up in the amended bill - every allegation of which was denied by the defendant's answer to which there was no retraction. That left no issue upon the amended bill and consequently it was not before the jury for trial. The only issue framed was upon the original bill and only of the matters therein charged did the jury by their verdict convict ^{the defendant} ~~him~~.

We do not think the verdict of the jury should be set aside or disregarded because it was not supported by the testimony. The testimony was to a considerable extent conflicting and much depended upon the credibility of several of the witnesses. In such a case particularly, we appreciate the propriety of depending much on the judgment of the jury. It would be an unprofitable waste of time to

go into a critical examination of the testimony. It is sufficient that we state the conclusion at which we have arrived after a careful examination of the ~~testimony~~ Record

Some portions of the decree are undoubtedly erroneous. Instead of perpetually enjoining the defendant from selling any of his personal or real estate and also imprisoning him till he should give bond and personal security for the payment of the alimony decreed to the Complainant, the decree should have made the alimony a lien upon the land and for the purpose of the better giving notice of the lien, ~~and it would have been~~ very proper to require the defendant to give a mortgage upon the land for the security of the payment of the alimony and only continued the injunction as to the land till such mortgage should be executed acknowledged ^{delivered} ~~recorded~~ and so much of the decree as restrained the sale of the personal property was erroneous.

So much of the decree as made the injunction perpetual will be reversed. And the balance of the decree will be affirmed and as far as the decree will be entered in this Court making the alimony a lien upon the land mentioned in the decree & requiring ~~the~~ the defendant to execute a mortgage upon the lands mentioned in the decree, to the Complainant, Such, acknowledged ^{delivered} ~~by~~ the Clerk of this Court for the first division ^{self}, to secure the payment of the said alimony and that the injunction be continued as to said lands till said mortgage shall be delivered to the said Clerk for the said complainant & approved by him, and then the injunction shall stand dissolved. - ~~The~~ ~~Comp~~ Each of the parties will pay one half of the costs of this appeal

Erasmus

in

Erasmus

Opinion

Letter

Alt Vernon

Springfield 8 July 1861
Major Thason
Sir

Please forward to
Judge Catron the papers in the
Case of Errismann - if Tanner isn't
ready I can't help it - we
want the Case settled, one
way or other - My argument
& Court Case about whether
the Court will receive it or
not - My printed brief &
abstract is all I want to go

Tanner will perhaps be
ready too, if you mentioned it
to him. If he is not ready send it
any how

Yours Respectfully

W. S. Nelson

Ottawa 29th
apl 61-

My Dear Sir/

I have sub-
to you by this days
mail the opinion
papers &c, in the case
of Erissman &
Erissman. I do
not desire to have the
opinion or papers, in
this case, returned to
me - as I have copied
all I need of them -

Yours truly Wm

R. H. Mushin Esq

*Brief of points & references, relied upon
by appellant*

Isaac H. Errisman, }
vs. } Appeal from Marion.
Cynthia Errisman. }

Supreme Court, Nov. Term, 1860.

1st, As to cruelty being a circumstance from which to infer guilt of adultery, See Bishop on Divorce. 432.

2nd, As to adultery being inferred from going to a brothel, See same, Page 434.
If Mrs. Abney's house was a brothel, ^{which} is denied.

3rd, Not allowing Baker to state who he heard say Mrs. Abney's house, was a lewd house, is manifestly erroneous.

4th, Refusing to give the 6th instruction asked for by appellant, is also palpably erroneous.

5th, Putting appellant in jail, requiring him to give bond, and also enjoining him, are not alone erroneous, but are wholly at variance with our notions of civil liberty, & shows the court to have been in FUROR.

6th, The verdict is so uncertain that no decree can be entered upon it; it finds no facts, it ought to find some fact upon which a decree can be based; it is uncertain what the jury had reference to, whether original or supplemental Bill. *That is the 17th*

7th, The evidence does not show even one act of cruelty, but shows, if anything, a conspiracy on the part of comp't with her relatives, to force him to do something to enable her to obtain a Divorce, and shows an attempt to manufacture evidence on the part of her father. *Arbaugh vs. Arbaugh, ibid 476. Shillinger vs. Shillinger 14 Id. 147*

8th, One act of cruelty, if proven is not sufficient to constitute cruelty under our statute, as has been repeatedly held. *Hammeron vs. Hammeron 16 Id. 70*

Nelson & Partridge for appellant.

And now at this day Come again the
Said parties and the Court now being
sufficiently advised do order and decree
that so much of the decree ~~heretofore made~~
~~in this cause~~ as perpetually enjoining
the Said ^{appellant} ~~defendant~~ from selling ^{any of} his
personal property or real estate
be and the same is hereby reversed,
and what remains of said decree
be and the same is hereby affirmed -
And the Court now here pronouncing
to make such decree as the Circuit
Court of Jefferson ^{County} should have
made do order and decree, that
~~the Said appellant be required to make~~
~~execute a mortgage upon the lands~~
~~mentioned in the decree of said Court~~
~~being (his entire the lands)~~
the Said decree ~~for~~ by the Said
Circuit Court for alimony be and
the same is hereby made a lien
upon the lands of said appellant
mentioned in said decree and that
the ~~said~~ appellant be ~~to~~ and he is
hereby required to execute a
mortgage ^{self acknowledged} to the appellee, the com-
plainant below, upon the said lands
being ~~here listed a description of lands~~

to secure the payment of the said alimony
and deliver the same to the clerk of this
Court which said (and) are described
as follows: (here brief description)

And it is further ordered and decreed
that the said injunction be continued
as to said (and) until said mort-
gage shall be delivered to said
Clerk duly executed and sub-
scribed as aforesaid, for the
said appellee complainant and
approved by said Clerk - And
it is further ordered and decreed
when said mortgage shall be so
executed acknowledged and
delivered to said Clerk and ap-
proved by him, the said injunction
shall ~~be~~ ^{then} dissolved -

And it is further ordered and
decreed, that each of the parties herein,
pay one half the costs of this
appeal, and that execution issue
for the same,

FARMERS' COLUMN.



L. J. GERMAIN, AGRICULTURAL EDITOR

"He that by the plow would thrive,
Must either hold or drive!"

HORTICULTURAL SCHOOL FOR FEMALES.

Among the benevolent designs of the age is one about to be carried into execution by Mrs. Phelps, of New York city. It is to erect on Long Island, an establishment for educating young orphan girls in the art of horticulture, embracing besides the cultivation of fruits, flowers, &c., the preserving of fruits and vegetables, the rearing of poultry, as well as the management of household affairs in general. A plot of land has been bestowed by Mrs. Phelps, and buildings are now in process of construction in order to carry out this scheme.

We can hardly conceive of a more important and praiseworthy object this. Nothing is more rapidly tending to the degeneracy of our race than the neglect of physical training and exercise of children. The routine pursued in our school at the present day is calculated to break down the health of their pupils and to leave them but illy qualified either from education or physical development for the various duties of life.

Such schools as are proposed by Mrs. Phelps, conducted upon correct principles, should be established in every rural district and neighborhood, not only for the orphans, but for girls in general and for boys too.

The physical powers of our race are fast declining, and all for the want of proper education and training. We cannot have stout and vigorous men without healthy women, and neither men nor women can be healthy without daily exercise—without physical as well as mental training. Neither women nor men live out half their days, compared with generations at the beginning of the present century.—[Val. Farmer.]

4. Manure wastes in two ways—the escape of gas and the dissolving of its soluble salts.

5. The creative power of manure, mixed with other substances is capable of multiplying its value many times.

6. The value of manure to crops is in proportion to its divisibility through the soil. The golden rule of farming should be small quantities of manure thoroughly divided and intermingled with the soil.

HORACE GREELY.—The editor of the New York Tribune, a leading spirit in journalism, now in California, and known and read by all men, was in 1830 and 1831 an apprentice in a printing office in Erie, Penn. Horace obtained \$50 a year. Out of that sum he saved enough to buy his father a yoke of steers. He clothed himself in a suit of blue jeans, two brown shirts, chip hat, brogans, and with less than \$5 in money, he left the rugged hemlock land of his father between Crawford County, Penn., and Chataque County New York, and started for big city of New York. What he has accomplished since, we need not say.

MOUNT VERNON LIVERY STABLE, BY E. T. NOBLE.

THIS stable is attached to the "Johnson House," and is well supplied with buggies and Horses, both single and double. Persons wishing Saddle Horses, or Horses & Buggies, can have them at Ed's, stable by giving five minutes notice—either day or night. It is well-known that Ed. Noble is one of the best horsemen in the state, and is reasonable to suppose that he keeps none but good horses. His terms are reasonable, and he can suit all who see fit to patronize him.

Mt Vernon, Aug 12th

Dr. H. S. PLUMMER, PHYSICIAN, SURGEON & OBSTETRICIAN, LYNCHBURG, ILL.

Dr. Plummer has had considerable experience in the practice of medicine, and is prepared to treat every form of disease, whether acute or chronic, in accordance with the most approved methods of modern science. Patients placed under his care will receive kind and prompt attention.

New Drug Store.

Great Excitement! Great Excitement!

AND A

GREAT RUSH

AT THE

FAMILY GROCERY STORE,

One Door East of Ehrman & Johnson's Clothing Store, Mt. Vernon, Ills.

THE subscriber would respectfully announce to the citizens of Mt. Vernon, and Jefferson County, that he has on hand and will continue to keep a large stock of

FAMILY GROCERIES AND PROVISIONS,

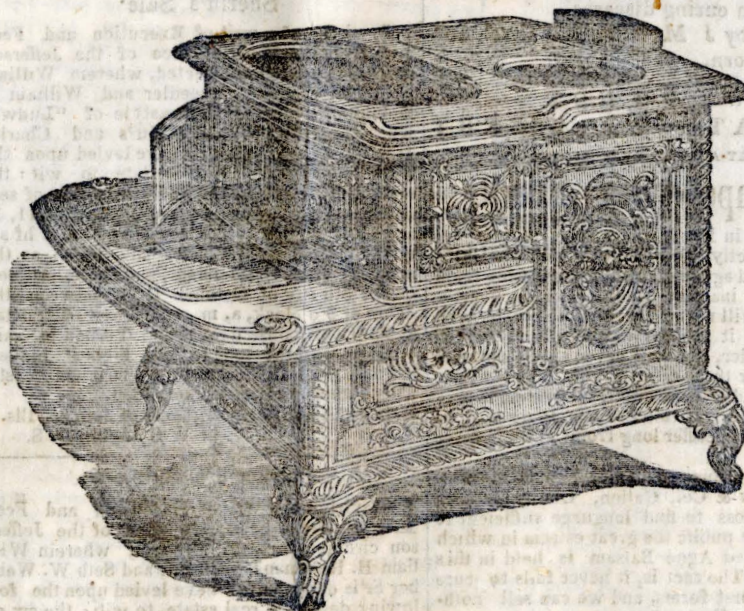
Sugar, Coffee, Tea, Molasses, Syrup, Bacon, Sugar cured Hams, Dried Beef, Fish of all kinds, Salt by the Bushel or Barrel, Pickles, Catsups, Pepper Sauce, Preserved Fruit, Pie-Fruit, Jelly, Oysters, Sardines, Horsering, Babbitt's BEST Saleratus. A beautiful assortment of Common and Fancy Candies, a splendid article of chewing Tobacco, the Best Havana cigars, and a host of other things, which every family stand in need of, all of which he proposes to sell VERY CHEAP.

COME AND SEE FOR YOURSELVES.

Mt. Vernon, September 1859. [6y.]

SAM. F. PACE.

MT VERNON STOVE STORE



COLEMAN & KLINKER,

WOULD inform the people generally that they have lately received, and have for sale, at the lowest possible prices, a large and splendid assortment of COOKING AND HEATING STOVES for wood and coal. They have also constantly on hand a large variety

of Sheet Iron Work.

THE GREATEST MEDICAL DISCOVERY OF THE AGE.

DR. KENNEDY, of Roxbury has discovered in one of our common pasture weeds a remedy that cures every kind of HUMOR,

FROM THE WORST SCROFULA DOWN TO A COMMON PIMPLE.

Two bottles are warranted to cure a nursing sore mouth.

One to three bottles will cure the worst kind of pimples on the face.

Two or three bottles will clear the system of bile. Two bottles are warranted to cure the worst canker in the stomach. Three to five bottles are warranted to cure the worst kind of erysipelas.

One or two bottles are warranted to cure all humor in the eyes. Two bottles are warranted to cure running of the ears and blotches among the hair. Four to six bottles are warranted to cure corrupt and running ulcers. Fifteen to twenty bottles will cure scaly eruptions of the skin. Two or three bottles are warranted to cure the worst kind of ringworm. Two or three bottles are warranted to cure the most desperate case of rheumatism. Three to four bottles are warranted to cure salt rheum. Five to eight bottles will cure the worst case of scrofula. One to three bottles are warranted to cure the worst case of dyspepsia. I know from experience of thousands that it has been caused by cancer in the stomach. One to two bottles are warranted to cure sick headache. One to two bottles are warranted to regulate a costive state of the bowels. One to two bottles will regulate all derangements of the kidneys. Four to six bottles have cured the worst cases of dropsy. One to three bottles have cured the worst case of piles; a relief is always experienced; what a mercy to get relief in such an excruciating disease!

A benefit is always experienced from the first bottle, and a perfect cure is warranted when the above quantity is taken.

No change of diet ever necessary; eat the best you can get and enough of it.

THE MEDICAL DISCOVERY is admirably adapted to the Western country where

FEVER AND AGUE, DYSENTERY, BILIOUS COLIC, BILIOUS FEVER, LIVER DERANGEMENTS, are so prevalent in their respective seasons.

The great cause of the prevalence of these diseases is that many have secreted in their system some

Putrid and Fatal Humor which is the source of all diseases, and many young men and women in the

Bloom of life are wasting away whose faded cheeks and sunken eyes warn their friends of a speedy dissolution through the effects of some

Acrid Humor preying upon the vitals, and many thousands die annually from the effects of these humors, who, if they but purify their blood with a few bottles of Medical Discovery would live to a ripe old age.

Another great cause of disease is

Costiveness; for this the Discovery is an infallible remedy, its action on the

Liver, Kidneys and Bowels is all that you could desire.

For Scrofulous Ulcers you will follow the direction in pamphlets around the bottle.

For Ulcerated Sore Legs you will find full directions in the pamphlet.

DIRECTIONS FOR USE.—Adults, one table spoonful per day; children over ten years, dessert spoonful; children from five to eight years, tea spoonful. As

stantial celebrity of BRAGG'S ARCTIC LINIMENT, it must possess an intrinsic value capable of positive demonstration, and hence their only hope is in so abusing it that people may be deterred from trying it, well assured that if they once tested its merits, they could never again be induced to use the Mustang. In conclusion we claim that the Arctic Liniment is the best article ever offered to the public, and that it will bear triumphantly every test which may be applied to it.

BRAGG & BURROWS,
Sole Proprietors, St. Louis Mo.

EXTRAORDINARY ANNOUNCEMENT.

Every purchaser of a dollar bottle of the Arctic Liniment receives at Dr. Bragg's expense the United States Journal, of New York, for one year. The Journal is a large illustrated paper—each number containing sixteen pages, beautifully printed on clear white paper, and filled with original matter from the most brilliant writers of the country. Certificates of subscription and full particulars of the novel and philanthropic enterprise, of which this offer forms a part, will accompany each bottle.

An Agent wanted in every town and village.

BRAGG & BURROWS, St. Louis, Mo.
New York office, No. 371 Broadway.

Communications should always be addressed to St. Louis.

Sold by E. E. Welborn, J. M. Pace, and D. D. Baltzel, Mt. Vernon, Ill.



JUDSON'S Mountain Herb Pills.

ABOVE, we present you with a perfect likeness of Texaco, a chief of a tribe of the strange Aztec Nation that once ruled Mexico. You will find a full account of him and his people in our Pamphlets and Almanacs—to be had gratis, from the Agents for these Pills.

The inventor and manufacturer of "Judson's Mountain Herb Pills," has spent the greater part of his life in traveling, having visited nearly every country in the world. He spent over six years among the Indians of the Rocky Mountains and of Mexico, and it was thus that the "MOUNTAIN HERB PILLS" were discovered. A very interesting account of his adventures there, you will find in our Almanacs and Pamphlets.

It is an established fact, that all diseases arise from

IMPURE BLOOD!

The blood is the life! and when any foreign or unhealthy matter gets mixed with it, it is at once distributed to every organ of the body. Every nerve feels the poison, and all the vital organs quickly complain. The stomach will not digest the food perfectly. The liver ceases to secrete a sufficiency of bile. The action of the heart is weakened, and so the circulation is feeble. The lungs become clogged with the poisonous matter; hence, a cough—and all from a slight impurity at the fountain-head of life—the Blood! As if you had thrown some earth, for instance, in a pure spring, from which ran a tiny rivulet, in a few minutes the whole course of the stream becomes disturbed and discolored. As quickly does impure blood fly to every part, and leave its sting behind. All the passages become obstructed, and unless the obstruction is removed, the lamp of life soon dies out. These pills not only purify the blood, but regenerate all the secretions of the body; they are, therefore, unrivalled as a

CURE FOR BILIOUS DISEASES, Liver Complaint, Sick Headache, &c. This Anti-Bilious

GALLS OR GULLIES MADE BY WATER.

Some time since we recommended planting willows in such places, to hide their nakedness, and prevent their enlargement, as well as to render them profitable. The Osier may be used for this purpose profitably, because it may be cut for basket manufacture and will at the same time be an ornament to the field, if kept within bounds properly. A week or two since, we gave the practice of a Maryland farmer in recovering these galls and rendering them productive—by the use of straw and herding his sheep upon them, at the same time sowing grass seed to insure a sward. If care is taken this is perhaps the most satisfactory method, because it obviates the necessity of looking after bushes, which require care and good taste to render ornamental as well as useful. It is an unsightly and annoying place for the eye to rest upon—a gully made by the rush of water—while around it is a field robed in verdure. A little effort will reclaim it. Draw out straw and chaff from the threshing floor, taking care that there be grass or clover seed among it, covering the gully in this manner completely. It will do no harm to plow and scrape some of the soil from the bank on the manure, straw or chaff, leveling it up. A sod will soon form. We have seen land reclaimed successfully in this manner. If the land is stony, a few loads of stone in the bottom of the gully will save it materially.—[Prairie Farmer.]

MANURE MAXIMS.—At a late meeting of the Farmer's Club of the American Institute, Mr. T. W. Field read a paper on manures, in which he said:

The whole subject of manure may be stated in this proposition:

1. Manure does not waste so long as it is unfermented, or undissolved, and those conditions may be effected by drying or saturation.
2. Fresh manure is unfit for food for plants.
3. Fermenting manure in contact with inert matter, has the power of neutralizing vicious properties, such as the tannic acid of peat, and making it a fertilizer.

DR. E. E. WELBORN

HAVING MOVED HIS DRUG STORE TO HIS new and elegant Storeroom on Union Street opposite the Post Office, and having made a large addition to his stock, would announce to the citizens of Mt. Vernon and the surrounding country that he is prepared to furnish any and all articles ever kept in Drug Stores, and to fill all orders with neatness and despatch. He confidently believes that he can sell every article in his line as low as can be had this side of St. Louis. His stock, which was selected by himself, with care, is of the best and most pure quality, and may be found to consist, in part, of the following articles, viz:

Fresh Drugs and Medicines, Paints, Oils and Varnishes, Turpentine, Burning Fluid, Sperm Oil, Castor and Fish Oil, Wines and liquors of all kinds for medical and mechanical purposes, Lamps & Lamp Wick, CIGARS, Fine Chewing and Smoking Tobacco, Putty and Knives, Dye Woods and Dye Stuffs, Window Glass, and brushes of all kinds, sorts, and sizes, Starch Saleratus, Soda, Potash, Soaps of all kinds, Candles, Matches and Nutmegs, Inks, Pens and Pen holders, Envelopes, Note, Letter and Fool's Cap Paper, Patent Medicine of every kind, Supporters Trusses and Bandages, Rat and Vermin Exterminator, Percussion Caps, Hair Oils, Perfumery of the finest quality; a variety of Fancy Articles, Jewellery, Toys, Candles and Fire Crackers, Raisins, Crackers, Figs, Lemon Syrup, &c. &c. &c. HexTe Ladies are particularly invited to call and examine his stock of fancy articles, Perfumery, Jewellery, Toiletsoaps, combs, Hair & Tooth brushes, &c. &c.

Physicians prescriptions carefully compounded at all hours. Dr. WELBORN would also announce to the community that his undivided attention will be paid to the practice of medicine. He may always be found at home. Residence over the tools.

MISSOURI HOTEL.

CORNER OF

MAIN AND MORGAN STREETS,

ST. LOUIS, MO.

Wm. D. WATSON, Proprietor.

Board \$1.50 per day.

STAR JOB OFFICE.

THE subscribers would respectfully announce to the citizens of Jefferson and adjoining counties that they are now furnishing the Star Office with new material for doing all kinds of JOB PRINTING, and as the mechanical department is under the supervision of a thoroughly competent Printer, we ask those desiring work done to give us a trial. All work, such as

HANDBILLS, CIRCULARS, BLANKS OF ALL KINDS, BUSINESS AND ADDRESS CARDS, and all other kinds of Printing, done on the shortest notice, and in the latest styles.

Those wanting good work at a fair price would do well to call on us. JOHN A. WALL.

Tin, Copper and Sheet Iron.

to be disposed of at wholesale or retail rates. All kinds of JOB WORK done at their shop upon short notice and in a workmanlike manner.

They will take in exchange for work or wares, Feathers, Beeswax, Old Copper Brass, Britannia ware, and—GOOD MONEY. [12-1y.]

[SHOP, NORTH SIDE OF THE PUBLIC SQUARE, MOUNT VERNON, ILLINOIS.]

R. W. LYON

STILL ABOUT!

AND begs leave to inform the citizens of Jefferson and surrounding counties, that he has located in the town of Lynchburg, where he is now opening a large and well selected

STOCK OF GOODS

consisting of Dry Goods, Groceries, Hardware, Queensware, Boots and Shoes, Hats and Caps, Clothing, Notion, and other articles too numerous to mention, which he is determined to sell for

CASH OR PRODUCE,

as cheap as they can be found anywhere.—Thankful for the patronage extended when in connection with Mr. S. T. Strattan, he would respectfully solicit a renewal of the same.

CALL AROUND, FRIENDS,

and if good Goods, kind attention, and Low Prices can please you, you shall have satisfaction. (36tf)

Lynchburg, Jefferson County, April 5 1859.

FRESH ARRIVAL OF

FURNITURE

AT

J. J. FLY'S

WARE ROOM.

Mt. VERNON, ILLINOIS.

MR. FLY takes pleasure in informing the citizens of Mt. Vernon and Jefferson County, he has just received the the Largest and most Complete Variety of well-selected FURNITURE,

ever brought to this place—consisting of

Cain-bottomed Chairs, Stand Tables, Wash Stands, Tin Safes, Work Stands, BEDSTEADS—of every style and variety, and Breakfast Tables.

W. CUPBOARDS and all other articles in his line of business.

He is also manufacturing to order every article kept by furniture dealers, in a cheap and workmanlike manner. Call at his Ware-Room one door east of D. Baltzel's Store, before purchasing elsewhere, and see if he can suit you.

Mt. Vernon, June 2, 1859—44

WM. S. McKNIGHT & CO.,

WHOLESALE DEALERS IN

BOOTS & SHOES.

No 27 MAIN STREET,

ST. LOUIS, MO.

HAVE on hand an extensive assortment, comprising every style and quality, and manufactured to their own order expressly for the Trade of Missouri and Illinois, which they offer to sell on the most accommodating terms.

CASH NO TROUBLE!

Credit a Bubble!

THE "ALMIGHTY DOLLAR," is a powerful wheel, and

EHRMAN & JOHNSON

Have just rolled many of them into a mammoth

STOCK OF THE

Larg st, Best & Cheapest

ASSORTMENT OF

Ready Made

CLOTHING

EVER BROUGHT TO

MT VERNON.

THEIR STOCK CONSIST OF

SPRING AND SUMMER

CLOTHING;

OF ALL STYLES AND PATTERNS.

HATS & CAPS,

OF EVERY VARIETY

BOOTS & SHOES,

Of Every Description.

Furnishing Goods

Of every kind.

CALL ON THEM

at their

New Brick Store,

North Side of the Public Square,

April, 15, 1859—37 4m.

I. O. of O. F. Marior Lodge No. 13, meet in their Hall every Saturday evening.

no directions can be applicable to all constitutions, take sufficient to operate on the bowels twice a day.

MANUFACTURED BY

DONALD KENNEDY,

No. 120 Warren Street, Roxbury, Mass.

Price, \$1.00. For sale by every Druggist in the United States and British Provinces.

Sold by E. E. Welborn, and J. M. Pace, Mt. Vernon, and at all the Drug Stores in Fairfield.

FRIEND

IF YOU HAVE ANY PAIN

Rheumatism, Neuralgia, Bronchitis, Paralysis, Old Sores, Scald Head, Burns, Strains, and Stiff Joints, Sore Throat, Swollen Glands, or Cutaneous Diseases, Buy a Bottle of

BRAGG'S ARCTIC LINIMENT.

And get the United States Journal Free.

Arctic vs Mustang

AN invidious and impudent card, recently published by the proprietors of the Mustang, seems to call for some notice at our hands, and although we dislike newspaper controversies, and have always avoided them, we shall in this instance depart from our usual custom. The card alluded to is aimed at BRAGG'S ARCTIC LINIMENT, and very evidently has a pecuniary origin, these disinterested gentlemen disliking to see their article supplanted so rapidly by Bragg's Arctic Liniment. The card is too desultory for us to follow seriatim but states that Dr. Bragg had published a card announcing that he had no further connection with the Mustang, and would not hold himself responsible for its deteriorated quality, or for the injuries resulting from the spurious article with which the market was glutted. Dr. Bragg's son is the only person of that name having any interest in the Arctic Liniment. BRAGG'S ARCTIC LINIMENT is now and has always been owned by Oliver T. Bragg and M. Burrows doing business under the style of Bragg & Burrows, and the only connection Dr. Bragg ever had in it was in the simple fact that he invented it.

Since inventing the Mustang Dr. Bragg has had many years of experience, and it is but reasonable to presume that in his mature manhood he could produce a better remedy than in his comparatively inexperienced youth. The instantaneous success of Bragg's Arctic Liniment wherever it was introduced, bears conclusive testimony that such was the fact. Before the Arctic Liniment had been introduced six months, it had superseded all other liniments, including the Mustang. In the meantime a spurious article of the Mustang made its appearance in the market, put up externally exactly as the genuine had been by Dr. Bragg, but as unlike it in quality as possible. Dr. Bragg was constantly annoyed by letters from various persons who had used this deteriorated and injurious article of Mustang complaining of its bad effects, under the mistaken impression that he was still its proprietor. If Dr. Bragg considered it to be his duty to set the matter before the public in a card announcing that he had no further connection with it, that was his affair, with which we have nothing to do. The want of the Mustang proprietors that they are well known to the business community is most amusing to those who know their status. The trouble is they are too well known. Their motive in the card alluded to is transparent; they dislike their cheaply made preparation superseded by Bragg's Arctic Liniment, an article so greatly its superior, but which they affect to consider a failure. Notwithstanding this affectation, they offered a large sum for its suppression, and failing in that are now expending much money for newspaper cards, in the vain attempt to persuade the public that the Arctic Liniment is a failure. The public are not so easily gulled as these gentlemen suppose, and can readily comprehend that if it were such a failure as these unscrupulous persons pretend, they would be the last to disturb its quiet oblivion. The fact is readily perceptible that they are alarmed for the prosperity of their own article, and well they may be for they know that for an article to attain the sub-

Medicine expels from the blood the hidden seeds of disease, and renders all the fluids and secretions pure and fluent, clearing and reconstituting the vital organs. Pleasant indeed, is it to us, that we are able to place within your reach, a medicine like the "MOUNTAIN HERB PILLS," that will pass directly to the afflicted parts, through the blood and fluids of the body, and cause the sufferer to brighten with the flush of beauty and health.

Judson's Pills are the Best Remedy in existence for the following Complaints:

Rheumatism,	Debility,	Internal Weakness,
Coughs,	Fevers and Agues,	Liver Complaints,
Colds,	Female Complaints,	Leucorrhoea,
Chest Diseases,	Headaches,	Piles,
Costiveness,	Indigestion,	Stomach and Bowels,
Dyspepsia,	Influenza,	Secondary Symp-
Diarrhoea,	Inflammation,	toms.
Dropsy,		

GREAT FEMALE MEDICINE!

Females who value health, should never be without these Pills. They purify the blood, remove obstructions of all kinds, cleanse the skin of all pimples and blotches, and bring the rich color of health to the pale cheek.

The Plants and Herbs of which these Pills are made, were discovered in a very surprising way among the Tezucans, a tribe of Aborigines in Mexico. Get the Almanac of our Agent, and you will read with delight, the very interesting account it contains of the "GREAT MEDICINE" of the Aztecs.

Observe.—The Mountain Herb Pills are put up in a Beautiful Wrapper. Each box contains 40 pills, and Retail at 25 cents per box. All genuine, have the signature of E. L. JUDSON & CO., on each box.

E. L. JUDSON, & Co.

SOLE PROPRIETORS,

No. 50 Leonard Street,

NEW YORK.

Agents wanted always—Address as above. Sold by J. M. Pace, D. Baltzel and Dr. Welborn.

PROF. WOODS

Hair Restorative.

UNRIVALLED IN MARKET,

WITH IMMENSE

HOME AND EUROPEAN

DEMAND.

IF YOUR HAIR IS GRAY

Or, If you are bald, If your hair is thin, If you have Scald Head, If you have Dandruff, If you have Nervous Headache, It will cure them.

To prevent its falling. To preserve the Color, To make the Hair Glossy.

Use Wood's Hair Restorative.

Sold by O. J. Wood & Co.,

114 Market Street, St. Louis, Mo.,

Patent Medicine Dealers and

Druggists in City and Country.

And by Jas M Pace and Dr. Welborn, Mt. Vernon, Ill.

CHARLEY DETCHMANN,

FASHIONABLE BARBER.

HAVING, SHAMPOONING AND

Hairdressing done to order, at all

times.

CIGAR

Of all kinds and prices kept constant-

ly on hand, and for sale by CHARLEY

Shop—On Union street, one door North of

D. G. Anderson's Store.

I. O. of G. T. Mount

Vernon Lodge No. 87

ts at the Mason's Hall every Tuesday

g.

MOUNT VERNON STAR.

JOHN A. WALL, : : : Editor.

LOCAL.

"A chiefs among ye takin' notes,—
An' faith, he'll prent 'em."

R W LYON is our authorized Agent at
Lynchburg

J. S. POSE, General Advertising Agent,
is authorized Agent for Saint Louis, Mo.

A SMALL CHAT WITH OUR READERS.

Another week has well nigh spent itself, and another budget of items must be thrown into shape. The near approach of the change of weather, from the passage of the September, 'equinoxial,' as it more directly touches the FEELINGS, it would seem, should be considered first in order! Even so early as Monday, there seemed to be a visible elementary preparation for this—which, at a parallel period, demands a hunting up of ones last winter's stock of heavy 'dry goods,'—which by the way, in our case, we find when resurrected, barely able to BEAR its weight. What we are to do for more, we don't know—probably our friends have a few 'old ones,' which they would like to give in exchange for the Star! On Wednesday, the 21st, known to be the day for the ordinary 'storms,' we found that the 'old stove' had taken its place in the centre of our office and that the old 'wast paper,' which was laying round the office was fast disappearing (having no wood, we used paper in its stead.) And now, as the long winter nights 'come on apace,' our farmer friends will find it to their advantage to take two or three good papers, with which to drive 'dull care away!'—where shall they get them? We venture to suggest that they commence with the Star, which can be had in exchange for good crops of produce.

The Jefferson County Teachers Institute and Educational Association is in session this week, and we are pleased to notice about 25 or 30 teachers present—quite an increase upon last Spring's attendance. We dropped in upon them, in their deliberations, a few minutes, on Thursday evening, and from all appearances they seemed to be driving the business of the session to a speedy completion. A more respectable looking set of men and women we have seldom beheld in one body. To all appearances, they are just the individuals to 'teach the young idea how to shoot somebody.' We hope that they are having a good time of it, and that they may each feel themselves vastly benefitted at the close of the session.

It will be seen that another candidate is on the track for Assessor. He is a stranger to us, but judging by his signature, we presume that he is THE man.

Gossip informs us that our young and talented townsman, Tussie, has crossed the rainbow. How true it is, we don't pretend to say—we have received no 'cake!' Hope that he and the 'tother feller,' may be able to "Bear---it!"

The following is a statement of number of 'vicious' horses tamed and trained by Messrs. C. & Y., the "Unrivalled Horsemen," during the horse taming season, just closed:

'Wild horses, none; wild mares, 'nary'; unmanagable steeds of both sexes, 000. Horses educated, 00000. Grand total, ! ! ! ! ! ! ! ! ! !

In addition to this, they have made enough money at driving hack, blacksmithing, &c., to leave their 'Bills' unpaid for, which we struck for them over two months ago, and which were ordered in great haste;—we having to suspend other important work, to print them. The 'bills' are still in our possession,

Special Notices.

We would invite the attention of our readers of the new "AGUE CURE" advertised in our columns. It is from such a quarter as will give the public confidence in its efficacy, and we have learned from reliable sources, that its virtues will sustain their fullest expectations. Citizens of the west can not fail to appreciate the paramount value to them, of a state and certain remedy for this afflicting distemper without either Quinine or minerals and consequently without injury to the constitutional health. We have more than ordinary satisfaction in proclaiming this remedy, because we are convinced it will answer a crying want among us, and serve to relieve a great amount of suffering.

JUDSON'S MOUNTAIN HERB PILL.
How strange and wonderful it often seems to us that a medicine composed of simple mountain herbs and roots, should so certainly search out and cure disease. How surprising that the Indians should know and preserve so long and well, a secret that has escaped the search of the greatest physicians the world has ever seen. True, the ancient inhabitants of Mexico were a strange race found by the Spaniards living in large cities, and allowing for their strange customs and religion as well civilized as their conquerors. The united testimony of all intelligent persons is, that Judson's Mountain Herb Pills are the most successful medicine in the world in curing diseases.

For sale by J. M. Pace, D. Baltzel, and E. E. Welborn.

WE DO NOT
HESITATE TO ASSERT
WHAT ALL ARE BY RESULTS

Compelled to Admit.

Viz: That in Dr. Mann's Ague Balsam we have a perfectly triumphant remedy for Chills and Fever and ague and all diseases rising from a deceased or inactive condition of the liver. Indeed it will never fail, and the person who fails to use it at once will deeply regret the neglect. Reader, you will never again shiver or have the fever that season if you take it as per directions, and continue until the system is perfectly restored. If this be done, there will be no one who will suffer long from chills, fever and ague.

BUCYRUS, Ohio, Feb. 25, 1843

DR. MANN & CO., Gallon, Ohio—GENTS: We are at a loss to find language sufficient to portray to the public the great esteem in which your Celebrated Ague Balsam is held in this community. The fact is, it never fails to cure ague in its worst forms, and we can sell nothing else.

Sheriff Sale's.

Sheriff's Sale.

By virtue of two writs of Execution and Fee-Bill from the Clerk's Office of the Jefferson County Circuit Court, to me directed, wherein J. M. O'Melveny is Plaintiff and Robert R. Whitlock is Defendant, I have levied upon the following described Real Estate, to wit: the s h of the s w qr and s h of the s e qr of sec. 16, town 1, south of range 3 e, taken as the property of said defendants, and shall proceed on the 8th day of October, a. d. 1859, between the hours of 9 o'clock, A. M., and sunset of said day, at the Court House door in Mt. Vernon in said County, to sell the same to the highest bidder, towards the satisfaction of said writ and costs. This 18th day of September, 1859.

JOHN BAGWELL,
By W B Wythe, D. S. Sheriff J. C.
[n3 4w]

Sheriff's Sale.

By virtue of a writ of Execution and Fee-Bill from the Clerk's Office of the Jefferson County Circuit Court, to me directed, wherein Robert Sktnner, John T. Dpnick and James Macklin, trading under the name, firm and style of "Skinner Dpnick & Co." are Plaintiffs and Henry M. Williams is Defendant, I have levied upon the following described Real Estate to wit: beginning at the s e corner of the s e qr of then e qr of section twenty two, thence running 28 rods w, thence 100 feet n, thence 28 rods east thence 100 feet s to the place of beginning, making one and 1 8th acres agreeable to survey, said lot being in the s e qr of ne qr section 22, T 4 S R 3 E, taken as the property of said defendant and shall proceed on the 8th day of October 1859, between the hours of 9 o'clock, a. m., and sunset of said day, at the Court House door in Mt. Vernon in said county to sell the same to the highest bidder, towards the satisfaction of said writ and costs. This 11th day of September, 1859.

JOHN BAGWELL, Sheriff of Jeff. co. Ills.
per W. B. Wythe, D. S.

Sheriff's Sale.

By virtue of a writ of Execution and Fee-Bill, from the Clerk's office of the Jefferson County Court to me directed, wherein William C Ludwig, Jesse S Kneeder and William K Hamblin partners under the style of "Ludwig Kneeder & Co." are plaintiffs and Charles H Tillson is defendant, I have levied upon the following described Real Estate to wit: the s e qr of s w qr and the s w qr of s e qr of sec. 16 r 2, s x 2 E. also, Lots no. 3, 4, 5, 10, 11, 12 and 15 of section 16 r 4, s x 2 E; also, w h f s e qr sec. 23 T 3 S R 2 E 3d P. M., taken as the property of said Defendant, and shall proceed on the 8th day of October 1859, between the hours of 9 o'clock, a. m., and sunset of said day at the Court house door in Mt. Vernon in said county to sell the same to the highest bidder, towards the satisfaction of said writ and costs. This 14th day of September, 1859.

JOHN BAGWELL, of sheriff of Jeff. co. Ills.
pr W B Wythe, D. S.

Sheriff's Sale.

By virtue of a writ of Execution and Fee-Bill, from the clerk's office of the Jefferson circuit court, to directed, wherein William H. Herdman is plaintiff, and Seth W. Webster is defendant, I have levied upon the following described real estate, to wit: the s e qr of sec. 16, town 1, south of range 3 e, taken as the property of said defendant, and shall proceed on the 8th day of October 1859, between the hours of 9 o'clock, a. m., and sunset of said day at the Court house door in Mt. Vernon in said county to sell the same to the highest bidder, towards the satisfaction of said writ and costs. This 14th day of September, 1859.

Adjustment of Claims.
Notice is hereby given that I shall attend before the Probate Court of Jefferson county, Illinois, to be begun and holden at the Court House, in Mt. Vernon on the third Monday in November, 1859, (on Tuesday the second day of the term) for the purpose of adjusting the claims against the estate of Aaron Harlow, dec. when and where all persons interested may attend.
ROBERT HARLOW, Adm'r.

Final Settlement.

Notice is hereby given that I shall attend before the County court of Jefferson county Illinois, to be held for probate purposes, at the court house in Mt. Vernon on the third Monday in November, next, for a final settlement of the estate of William Martin dec.
ISABEL MARTIN, Adm'r.

Final Settlement.

Notice is hereby given that I shall attend before the County court of Jefferson county Illinois, to be held for probate purposes, at the court house in Mount Vernon on the third Monday in October, next, for a final settlement of the estate of John Mendingall deceased.
[36w] JOHN MENDINGALL, Adm'r.

Administrator's Notice.

PERSONS having claims against the estate of ENOCH GREEN, deceased, are hereby notified to present them to the Probate Court of Jefferson County, Illinois, to be begun and holden at the Court house in Mt. Vernon on the third Monday in October next, and all persons who are indebted to said estate are hereby notified that they must make immediate payment to the undersigned.

WILEY GREEN, Adm'r.

Administrator's Sale.

By virtue of a decree of the County court of Jefferson county State of Illinois, sitting for Probate purposes at the May term, a. d. 1859, I shall sell to the highest bidder at the court house door in Mount Vernon on a credit of six months, (note and security required,) between the hours of 9 o'clock in the morning, and 5 o'clock in the afternoon of the 30th day of September, 1859, the n w qr of the s w qr of section 23, Town 3, south range 4 east, situated in the county of Jefferson and State of Illinois to pay the debts of George T. Pace dec'd,
H. T. PACE, adm'r.
Mt. Vernon, August 11, 1859. [n 3 6w]

October Term—Jefferson Circuit Court
A. D. 1859.

STATE OF ILLINOIS, }
JEFFERSON COUNTY, } SS.

JULIA A. LUSTER, }
vs. } Bill for Divorce.
WILLIAM LUSTER, }

NOTICE is hereby given to William Luster, the above named defendant, that the complainant herein has filed her bill against him for a Divorce, in the office of the clerk of the Circuit Court in and for said county and State, on the chancery side thereof. That summons in chancery has issued in said cause, returnable at the October Term of said court, to be begun and holden at the court-house in Mt. Vernon on the 2nd Monday in October next.

Witness—John S. Bogan, Clerk of said court, and the Judicial Seal.

IN THE SUPREME COURT OF ILLINOIS FIRST GRAND DIVISION.

Jefferson Chaffin, P. M. in Error?
vs. Error of action
to

The unknown heirs of James Kimball dec. Def. in Error.

NOTICE is hereby given to the said Defendants in Error, that an affidavit showing that they are not residents of this State, but of some State or place unknown to p. E. in error, has been filed in the office of the clerk of said Supreme Court—upon which and upon the filing the proper process, a writ of error and of scirefacias have been issued, and are made returnable to the next term of said court, to be commenced and holden at Mount Vernon, on Tuesday, the 15th day of November next, at which time and place they, the said defendants in error, are required to appear and join in the errors assigned; in said cause, and that upon failure to do so, their defaults will be entered.

Witness—Noah Johnston, Clerk of the said supreme court, at Mt. Vernon, this 1st of Sept. 1859.

[3] NOAH JOHNSTON, CLK.

Häymie & Parish
Atty's for Plt'f in error

Petition to sell Real Estate.

FOR PAYMENT OF DEBTS.

Alexander C. Downey, administrator of Washington H. Hall, Petitioner;

vs.
Cassandar Hall, widow, Banner Hall, John W. Hall, Eureka Hall, Winfield Hall, Harriet Hall and Caroline Hall, minor heirs of Washington H. Hall, deceased, Defendants.

Notice is hereby given the above named defendants, that I shall apply by petition in writing to the next Circuit Court to be and begun and holden at Mt. Vernon in for the county of Jefferson, on the 2d Monday in October next, on the 1st day of the term thereof, or so soon thereafter as counsel can be heard, for an order to sell the real estate of which said Washington H. Hall died seized, in Jefferson county aforesaid, of so much thereof as may be sufficient to pay the debts of the said Washington H. Hall, when and where all persons interested in said real estate can appear and show cause why the same should not be sold for the purpose assigned.

C. DOWNEY,
Adm'r. of Washington H. Hall, dec. [n36w]
R S Nelson atty for Petitioner.

DR. M'LANE'S
CELEBRATED
VERMIFUGE
AND
LIVER PILLS.

WE beg leave to call the attention of the Trade, and more especially the Physicians of the

are respectfully invited to be present.

"BIG," "BIGGER," "BIGGEST."—Sheriff Bagwell showed us the 'big apple' on Saturday last. It weighed just one pound and a half, and measured 16 inches in circumference, and was raised on the farm of Cyrus Gilbert in Knob Prairie, and is only a specimen of his crop this year. Now, who is going to beat this?

It is rumored that McCord, of the "Centralia Rural Press," has absconded, left, disappeared; runaway, quit, gone! Hope he made a fortune, and got out of debt before he committed such an atrocious act. We don't see that our Centralia friends can do any better than to send us their advertisements and subscribe for the STAR.

The third Agricultural Fair for Hamilton County comes off on the 4th, 5th, and 6th of October, and we would advise our friends who can, to attend, and see what our neighboring County is doing. If we cannot have a Society of our own, let us unite with our Hamiltonian friends.

The Southern Illinois Conference meets at Richview, on Wednesday the 30th inst. The distance being short, we see no reason why quite a number of our citizens may not attend, provided they go prepared to 'sleep and eat themselves.'

This morning the state of the weather in the various sections of the world, as reported by the Gourd-vine Tell-lie-graph, possesses some interest. Between Vancouver's Island and Botany Bay it is clear and pleasant, while at the Straits of Magellan the atmosphere is murky and heavy, considerable frost this morning on the mountains of the moon, thermometer is reported to stand at about 6 to half a dozen. In the Cape of Good Hope they are having a good rain, which is much needed, if they haven't had any in six months. A 'spell' of weather is soon expected at Frog Island.

What tree represents a person who persists in incurring debts? Willow (will owe.)

to contradict it. Try him.

The St. Louis Fair commences on Monday next, and continues during the week.

The amount taken in at the gates of the State Fair at Freeport, is reported to have been \$12,000.

The County Court has been in session two days during the past week sitting for probate purposes.

October Term Jefferson Circuit Court A. D. 1859.

STATE OF ILLINOIS, }
JEFFERSON COUNTY, } ss.

Mathew M. Davis,

vs.

John Davis, Elizabeth Mathews, Emilia Donahoo and William Donahoo, Mary D Carter and Andrew Carter, Joana Carter and Harlan Carter Louisiana Crowell and Allen Crowell, Elizabeth Cosly and Damoody Cosly, Mahulda Davis and Rufus Davis, Sarah Mathews, Allen Mathews, Aletha Smith and Hunsley Smith, children and heirs at law of Mathew Davis, deceased.

Petition for Partition.

NOTICE is hereby given to the above named non-resident defendants, that the petitioner herein has filed his petition in the office of the clerk of the circuit court, in and for said county and State, praying for the partition of the e half nw qr sec 14 T4 SR2 east 3d P. M., That summons has this day issued against you, returnable at the October term of said circuit court to be begun and holden at the courthouse in Mt. Vernon in said county and, State on the 2d Monday in the month of October next, when and where you may appear and plead, answer or demur to said petition, and that unless you do so, the same will be taken for confessed and a decree entered according to the prayer thereof.

[SEAL] Witness:—John S. Bogan, clerk of said court, and the official seal thereof, [26w] JOHN S. BOGAN, clk
Tanner & Casey, for Petitioner

ATTACHMENT NOTICE.

In the Jefferson Circuit Court—October Term, A. D. 1859.

STATE OF ILLINOIS, }
JEFFERSON COUNTY, } ss.

DOCTOR M. WEIR

vs.

MORRIS SCHWARTZ

NOTICE is hereby given to you, the said Morris Schwartz, defendant as above, that a writ of attachment at the suit of said Doctor M. Weir has been issued out of the Circuit Court of Jefferson county, Illinois, against you, for the sum of three hundred and sixty-nine dollars and fifty cents with interest thereon, which writ is directed to the Sheriff of the said county of Jefferson, and has been returned by him, levied upon the following described real estate, viz: ebf w qr and ne qr w qr of sec 34, and sw qr w qr sec 25 T 3 S R 4 E of 3d P. M. and unless you, the said defendant Morris Schwartz, shall be and appear before the circuit court of Jefferson county on the first day of the next term thereof, to holden at the court-house in the town of Mount Vernon in said county on the second Monday in the month of October next, give bail, and plead to said plaintiff's action, judgment will be entered against you in favor of said plaintiff, and the said lands ordered to be sold to satisfy said debt and costs of suit.

JOHN S. BOGAN, Ck.
CHAS. A. Beecher, att'y. for plaintiff.
August 1st, 1859. (nl-6w)

GALION, O. May 1856

S. K. MANN & Co., Proprietors, Callon, O. O. J. Wood & Co., St. Louis Mo., sole wholesale agents for all the Western States and Territories, and sold by all good Druggists.

Sold by E. E. Weiborn & J. M. Pace, Mt. Vernon, Ill.

Messrs. S. K. Mann & Co.—Gentlemen,—would say for the benefit of those suffering with chills, fever and ague, that I can confidently recommend your Ague Balsam, to do what it is recommended to do, having used it myself and in my family also; have known it used in many other cases, where it has universally proved effectual; I give this for the benefit of all concerned.

B. F. MATTHIAS, Druggist
St. Louis, Sept 10, '58.
Messrs. Mann & Co.—Gents: After using several other preparations for fever and ague, and only getting partial relief, for the disease soon returned on me, I took two bottles of your Balsam and I have had neither chill nor fever since I took the first dose. I believe it to be the only thing that will never fail, and hence I recommend it to others. Yours truly,
J. G. WILSON.

Alexandria, Mo. June 1856
Messrs. S. K. Mann & Co.—Gents: Please send 4 doz. of your Ague Balsam. It gives the best satisfaction of any ague preparation we have had in our place. The fact is, it never fails when properly taken.

Respectfully Yours,
MOOR & SCOTT.

SUBSCRIBE NOW—
FOR THE
VALLEY FARMER.

It is a Monthly Journal devoted to the interest of the FARMER, FRUIT GROWER, GARDENER and SOCK BREEDER—amply illustrated with engravings of Animals, Farm Buildings, Fruits, Flowers, &c. GREAT INDUCEMENTS.

To any one who will send us one dollar for the volume for 1860 we will send the October, November and December numbers of this year FREE. To any one sending us five dollars and the names of five new Subscribers, we will send a sixth copy for the same length of time—one year and a quarter—FREE. Over Five HUNDRED DOLLARS will be offered for Premiums for largest lists of subscribers for 1860, and the names now sent can compete for them. Money sent at my risk. Address NORMAN J. COLMAN, publisher. St. Louis, Mo.

October Term—Jefferson Circuit Court A. D. 1859.

STATE OF ILLINOIS, }
JEFFERSON COUNTY, } ss.

MARY L. LEEDOM,

vs.

WILLIAM T. LEEDOM

NOTICE is hereby given to William T. Leedom, the above named Defendant, that the complainant herein, has filed her bill against him for a Divorce, in the office of the clerk of the court in and for said county and State, on the chancery side thereof. That summons in chancery has issued in said cause, returnable at the October term of said court, to be begun and holden at the court house in Mt. Vernon, on the 2d Monday in October next.

Witness—John S. Bogan, clerk, and the [SEAL] official seal of said court, This 23d day of July, 1859 J S BOGAN, Clerk
Tanner & Casey for complainant [52-6]

per W B Wylie, D S

Sheriff's Sale.

BY virtue of a writ of Execution and Fee-Bill, from the clerk's office of the Jefferson county circuit court, to me directed, wherein Harvey T. Pace assignee of J. Pace & Son is Plaintiff and George W. Allen, Samuel K. Allen, and J. R. Allen are Defendants, I have levied upon the following described Real Estate, to wit: the w hf section 12; r 3, s r 2 e 3d r. M, containing 320 acres more or less taken as the property of said defendants, John R. and Samuel K. Allen and shall proceed on the First day of October 1859, at the hour one (1) o'clock in the afternoon of said day, at the Court House in Mt. Vernon in said county, to sell the same to the highest bidder, towards the satisfaction of said writ and costs, This 8th day of September 1859.

JOHN BAGWELL, Sheriff of Jeff. Co. Ills.
(n 14 w) pr W. B. Wylie D S.

Sheriff's Sale.

BY virtue of two writs of Execution and Fee-Bills, from the clerk's office of the Jefferson county circuit court, to me directed, wherein the People of the State of Illinois are Plaintiffs and Alexander McGinnis is Defendant I have levied upon the following described real estate, to wit: The undivided interest of one eighth part of the ne qr of the ne qr sec 27 and a hf sec 22 all in r 4, s r 4 e containing 120 acres more or less taken as the property of said defendant, as one of the heirs of Richard M. McGinnis deceased, and shall proceed on the First day of October, 1859, between the hours of 9 o'clock A. M. and sunset of said day, at the court house door in Mt. Vernon in said county, to sell the same to the highest bidder, towards the satisfaction of said writ and costs, This 18th day of Aug, 1859.

JOHN BAGWELL, Sheriff J C I
per W B Wylie [61]

Sheriff's Sale.

By virtue of a writ of Execution and Fee-Bill, from the Clerk's Office of the Jefferson County Circuit Court, to me directed, wherein John H. Watson Commissioner is Plaintiff and Thomas A. Creel & Solomon Patterson are Defendants, I have levied upon the following described real estate; to wit: s w qr of n w qr and w hf e qr n w qr and pt n w qr s w qr sec. 31, t 2, s r 1 e containing in all 62 acres, taken as the property of said defendant Thomas A. Creel and shall proceed on the 26th day of September 1859, between the hours of 9 o'clock, a. m., and sunset of said day, at the Court House door in Mt. Vernon in said County, to sell the same to the highest bidder, towards the satisfaction of said writ and costs. This 31st day of August 1859.

JOHN BAGWELL, Sheriff of Jeff. co. Ills.
per J. B. Goodrich D. S.

WM. S. McKNIGHT & CO.,
WHOLESALE DEALERS IN

BOOTS & SHOES.

No 27 MAIN STREET,
ST. LOUIS, MO.

HAVE on hand an extensive assortment, comprising every style and quality, and manufactured to their own order expressly for the Trade of Missouri and Illinois, which they offer to sell on the most accommodating terms.

CASH and prompt time buyers are respectfully requested to call and examine our stock before purchasing elsewhere.

thereof as may be necessary to pay the outstanding debts of the said estate to wit: The ne qr of the ne qr and the ne hf of the hf of the ne qr of section 30, r 4, s r 3 e, 3d P. M., in Jefferson county Illinois, and the north half of the ne qr section 1, r 5, s r 2 e, 3d P. M. in Franklin county Illinois. Sale to be subject to the Dower interest of the widow of the said W. R. Foster.

TERMS OF SALE.—Said land will be sold on six months credit, the purchaser giving note with personal security and mortgage on the premises sold to secure the purchase money.

August, 16th a. d., 1859,
JOHN KIRK, Administrator of the estate of W. R. Foster, dec'd. [n3 5]
Tanner & Casey Att'y's.

October Term Jefferson Circuit Court

A. D. 1859.

Mira A. Shelton, comp't. }

vs. John T. Shelton, def't. }

BILL FOR DIVORCE.

SATISFACTORY affidavit having been filed in the clerk's office of the aforesaid court, showing that the above named defendant is not a resident of the State of Illinois; therefore notice is hereby given to him that the said complainant has filed her bill for a divorce, and a summons has issued commanding him to appear before said court on the 2nd Monday in October next, and then and there to plead, demur, or answer said bill. And upon his failing so to do; a decree "pro confesso" will be entered against him.

[SEAL] Witness JOHN S. BOGAN, clk.
Tanner & Casey, for pliff. [26w]

IN THE SUPREME COURT OF
ILLINOIS, FIRST GRAND DIVISION.

Martha Jackson—formerly Stilwell and Obadiah Jackson—her husband Plaintiffs in error,

vs.

John Griffin administrator of the estate of James F Stilwell dec. Borney alias Pernesea Stilwell, Jane Stilwell, Martha Stilwell, William Stilwell, John Stilwell, James Stilwell, and Mary E Stilwell, minor heirs of the said James F Stilwell, deceased, Defendants in error.

ERROR TO ST. CLAIR.

Notice is hereby given to James Stilwell, one of the above named defendants in error, that the record of the above entitled cause, with an affidavit showing that he is not a resident of this State but of Missouri, has been filed in the office of the clerk of said Supreme Court, upon which a writ of error and of scirefacias have issued, and are made returnable to the next term of said Court, to be commenced and holden at Mount Vernon, on Tuesday the fifteenth day or November next, at which time and place, he the said James Stilwell, is required to enter his appearances and join in the error assigned in said cause, and that upon his failure to do so his default will be entered.

Witness, Noah Johnston, clerk of the said Supreme Court, at Mount Vernon, this 3d day of September, A. D. 1859.

NOAH JOHNSTON, Ck.

R. S. Nelson Att'y for Pliffs in error.

October Term—Jefferson Circuit Court A. D. 1859.

STATE OF ILLINOIS, }
JEFFERSON COUNTY, } ss.

Lucinda E. Hampton vs. James E. Hampton.

BILL FOR DIVORCE.

NOTICE is hereby given to you the said James E. Hampton that the Complainant has filed her bill for a Divorce against you in the office of the Clerk of the Circuit Court in and for said County and State, and that summons in chancery has issued against you returnable at the October term of said Court to be begun and holden at the Court House in Mt. Vernon on the 2nd Monday in October next.

WITNESS—John S. Bogan, Ck of said court and the official seal thereof this 16th day of July 1859. JOHN S. BOGAN, Clerk.
Tanner & Casey for Comp't. [51]

THE VERMIFUGE,
For expelling Worms from the human system. It has also been administered with the most satisfactory results to various Animals subject to Worms.

THE LIVER PILLS,

For the cure of LIVER COMPLAINTS, all BILIOUS DERANGEMENTS, SICK HEAD-ACHE, &c. In cases of

FEVER AND AGUE,

preparatory to or after taking Quinine, they almost invariably make a speedy and permanent cure.

As specifics for the above mentioned diseases, they are Unrivalled, and never known to fail when administered in accordance with the directions.

Their unprecedented popularity has induced the proprietors,

FLEMING BROTHERS,

PITTSBURGH, PA.

to dispose of their Drug business, in which they have been successfully engaged for the last Twenty Years, and they will now give their undivided time and attention to their manufacture. And being determined that Dr. M'Lane's Celebrated Vermifuge and Liver Pills shall continue to occupy the high position they now hold among the great remedies of the day, they will continue to spare neither time nor expense in procuring the Best and Purest material, and compound them in the most thorough manner. Address all orders to

FLEMING BROS. Pittsburgh, Pa.

P.S. Dealers and Physicians ordering from others than Fleming Bros., will do well to write their orders distinctly, and take none but Dr. M'Lane's, prepared by Fleming Bros. Pittsburgh, Pa. To those wishing to give them a trial, we will forward per mail, post paid, to any part of the United States, one box of Pills for twelve three-cent stamps, or one vial of Vermifuge for fourteen three-cent stamps. All orders from Canada must be accompanied by twenty cents extra.

Sheriff's Sale.

By virtue of a writ of execution and Fee Bill, from the Clerk's office of the Jefferson county circuit court, to me directed, wherein Johnson Hutchison Agent of James T. Hutchison is Plaintiff and Aaron Yearwood jr. is Defendant, I have levied upon the following described property to wit: A part of the north west fourth of the north west quarter of sec. 21 in r 2 s of a 3e containing five acres which is to commence at the ne w corner of the above described tract of lands and is to run south 10 rods thence east 50 rods; thence north 15 rods thence west to the place of beginning, taken as the perty of said defendant, and shall proceed on the 17th day of September 1859, between the hours of 9 o'clock, a. m. and sunset of said day at the west door of the circuit court house door in Mt. Vernon in said county, to sell the same to the highest bidder, towards the satisfaction of