

8413

No. \_\_\_\_\_

# Supreme Court of Illinois

Jefferson Chaffin

---

vs.

Heirs of Kimball

---

71641  7



State of Illinois  
Marion County

Set

Pleas and Proceedings had in the  
Circuit Court in and for the County  
of Marion <sup>Ed</sup> State of Illinois in a  
certain Cause heretofore pending in  
said County wherein James Kim-  
ball was Plaintiff or Complainant  
and Elias Chaffin & Jefferson Chaffin  
Defendants

Be it Reminded That on the 26<sup>th</sup> day of  
February A.D. 1847 said Complainant filed his  
Bill for Relief against said Defendants which is in  
the words <sup>Ed</sup> figures following to-wit

State of Illinois  
Marion County

Set

Circuit Court of said County  
at its March term A.D. 1847

James Kimball

vs

Elias Chaffin &  
Jefferson Chaffin

Bill for Relief

To The Honorable William A  
Denning one of the Justices of the  
Supreme Court of the State of Illinois & Presiding  
Judge of said Circuit Court in Chancery sitting  
The Petition of James Kimball. The Complainant  
in this Bill to Your Honor - would respectfully repre-  
sent that heretofore to-wit in the County of Marion in  
the State aforesaid Your Petition enclosed & placed  
the fourth West Quarter of the North East Quarter of



Section given in Township Two North & Two East of  
the Third Principal Meridian containing forty acres  
and further that your Petitioner built a frame dwelling  
house on said premises & dug a well & stoned up the same  
& made various improvements on said Land. Your  
Petitioner would further represent that afterwards one

Randall purchased the said Land above  
described of the Government of the United States -

Your Petitioner would further represent that the said  
Randall afterward sold the said Land to one Clark  
Vermillion & conveyed the same to him by Deed bearing  
date 1846 - afterward Court on the

day of December A.D. 1846 Elias Chaffin one of  
the Defendants in this Bill purchased the Land  
above described of the said Clark Vermillion & paid  
him therefor with his the Elias Chaffins own goods  
& chattels & the said Elias Chaffin then & there ordered  
& directed the said Clark Vermillion to make a Deed  
& convey the Land above described to one Jefferson Chaffin a  
minor under the age of twenty one years & son of the  
said Elias Chaffin. both of whom your Orator prays  
may be made parties Defendants to this your Orators  
Bill of Complaint - Your Petitioner would further  
represent that he has a bonafide & existing debt which  
is now due & owing from the said Elias Chaffin to your  
Orator the said Debt is in a Judgement on the Pocket  
of George E. Lester Probate Justice of the Peace a copy  
of the said Judgement is herewith filed & leave asked  
to refer to the same as part of this your Orators Bill.



Afterward I omit on the 8<sup>th</sup> day of February A.D. 1847 Your  
 Orator purchased the Land above described of the said  
 Elias Chaffin for a valuable Consideration I omit the  
 sum of Sixty Dollars as appears by his writing obligatory  
 a copy of which is hereby exhibited marked (B) to  
 which Your Orator begs leave to refer as part of this  
 Bill. Your Orator would further represent  
 that the title is in the said Jefferson Chaffin minor  
 as aforesaid & as the equitable interest is in the said  
 James Kimball. Therefore Your Orator is remediless  
 at Law & is relievable only in a Court of Equity where matters  
 of this kind are relievable & cognizable & your Petitioner  
 therefore prays that the Peoples most gracious writ  
 of subpoena may be issued to the Sheriff of said  
 County Commanding to summon the said Defendants  
 to be & appear before the said Court on the first day of said  
 Term. that a Guardian Ad litem may be appointed  
 for said Minor Defendant & that they may upon their  
 several corporal oaths the several matters & things herein  
 contained answer as fully separately and distinctly as  
 if they had been thereto distinctly interrogated and  
 that on a final hearing thereof your Honor may be  
 pleased to order & decree that a Commissioner may  
 be appointed & he be authorised & ordered at some  
 convenient day soon to make a good & sufficient  
 Deed of & to the premises to James Kimball so  
 purchased of the said Clark Vermillion by the said  
 Jefferson Chaffin with the money of the said Elias  
 Chaffin. And that Your Orator may have such



other & further relief in the premises as equity & good  
Consequence may require

Urial Mills  
Sol for Compt

Of which Bill is attached the words and  
figures following Court

Copy ( )

Know Ye all That I Elias  
Chaffin have this day sold the forty of Land to James  
Kimball which I bot of Asa Vermillion & by him Deeded  
to Jefferson Chaffin said Land is known as being the  
South West Quarter of the North East Quarter of Section  
No Seven in Township Two North & Two East of the Third  
principal Meridian for which I am to receive sixty  
Dollars as follows. The debt which I owe to James  
Kimball is to be deducted out of the said sixty Dollars  
The balance is to be paid as soon as I can get authority  
from the Circuit Court empowering me to convey said  
Land & make a good warranty Deed & deliver the same  
to said Kimball or his agent. The said E. Chaffin  
is to make application at the next term of said Court  
February the 8 1847

Jas To Geo E. Satter

Elias <sup>his</sup> Chaffin  
made

Urial Mills agent

Of which is also attached a Transcript in the  
words and figures following Court



Manuscript

5 James Kimball

vs  
Elias Chaffin, John Myers & Peter Myers

Debt \$65.00

Action on Promissory Note

Int. 3.45 for fifty five Dollars with Int from  
18.45 date - A sum. issued to J. L. Lato

Just Cooks Const. and caused set for trial on the 12<sup>th</sup> day of  
Docketing 12 This Inst. at 12 O'clock M. This 1<sup>st</sup> day of January  
sums 18<sup>3</sup> AD 1847. Sum returned Executed by reading  
Judgment 25 to the Defendants this Jan'y the 6<sup>th</sup> 1847 by J. L. Lato

Manuscript 25 Const

8K

And now at this day the Defendants came not  
but made default and the Plaintiff demand being  
Const Cook a Promissory Note it is therefore considered that the  
Service 75 said Plaintiff have a judgement for sixty eight  
Indigo 65 & forty five Cents and costs of this suit. Dated  
\$ 1.40 at one Dollar & ninety six Cents and that he have  
Execution &c This 12<sup>th</sup> day of January AD 1847

1847 Feb'y 2<sup>nd</sup>

Geo E Lester P.P.D

By Cash of Jno Myers Twelve Dollars & 18 3/4 cents

I do hereby Certify that the foregoing  
Manuscript is true in substance and in fact  
Taken from my Docket this 24<sup>th</sup> day  
of February AD 1847  
Geo E Lester P.P.D



Upon the filing of the foregoing Bill summons issued  
which is in the words and figures following Court

State of Illinois

Marion County

The People of the State of Illinois  
To the Sheriff of Marion County  
Greeting

We Command You that You summon Elias  
Chaffin and Jefferson Chaffin to be and appear before  
the Hon Circuit Court of Marion County to be  
held in the County House in Salem on the second  
Monday in March next to answer a petition in  
Chancery exhibited against him by James Kimball  
and this You shall in no wise omit under the penalty  
of the Law decreed And here you then this writ.



Witness the Clerk of our said  
Court at Salem on the 26<sup>th</sup> day  
of Feb 1847

W H Pace Clerk  
Per Tho W Pace Dep

Said summons being endorsed upon the back  
in words and figures as follows Court

Executed by giving a true  
copy to each of the within named persons

Feb 26-1847

Service 1.00

Returning 1.25

Samuel Steel Shff

By J A Bryant dep



Deed from Clark Vermillion to Jefferson Chaffin  
in words and figures following To wit

This Indenture made the twenty fourth day  
of December in the Year of our Lord one thousand  
eight Hundred and forty six between Clark Vermillion  
of the County of Marion of the one part and Jefferson  
Chaffin of County aforesaid of the second part Witnesses;

That the said party of the first part, for and in consider-  
ation of the sum of one hundred Dollars current money of  
the United States, to him in hand paid, the receipt  
of which is hereby acknowledged has granted, bargained,  
sold and by these presents do grant, bargain and sell,  
convey and confirm unto the said party of the second part,  
and his heirs and assigns forever, all the tract of  
Land situate and being in the County of Marion and  
State of Illinois known and described as the South West  
Quarter of the West Quarter of Section Number seven  
in Township No Two North of Range No Two East  
of the Third Principal Meridian containing fifty acres  
together with all and singular the appurtenances and  
privileges thereunto belonging, or in anywise appertaining  
and all the Estate, Right, title, and interest of the  
said party of the first part of and to the same.

Do Have and Do Hold the Land and premises  
hereby conveyed, with the privileges and appurtenances  
aforesaid unto the said Jefferson Chaffin his heirs  
and assigns, and to his own proper use, benefit, and behoof  
forever. And the said party of the first part, for  
his heirs, Executors and administrators do hereby covenant



8  
with the said party of the second part, and his heirs and assigns, as follows; That is to say, - That the said party of the first part is lawfully seized of the said premises hereby conveyed; That the said party of the first part has a good right to convey the same, in the manner aforesaid; That the said premises are free and clear from incumbrances; That the said party of the second part and his heirs and assigns, shall quietly enjoy the same forever, and that the party of the first part will warrant and defend the title to the said premises against all lawful or equitable claims whatsoever, firmly by these presents.

In Testimony whereof, the said party of the first part has hereunto set his hand and affixed his seal the day and year first above named.

Clark <sup>his</sup> Vermillion Seal  
mark

Signed, sealed and delivered  
in the presence of  
Thomas B. Sester

State of Illinois  
Marion County  
I, Geo. E. Sester Probate Justice of  
the Peace of said County do certify that  
Clark Vermillion whose signature appears to the foregoing  
Deed, and who is personally known to me to be the person described  
in and who executed the same, did acknowledge that he had executed  
the said conveyance, for the uses and purposes therein mentioned  
Given under my hand and seal this 24<sup>th</sup> day of December in the year  
of our Lord one thousand eight hundred & forty eight  
Geo. E. Sester Probate  
Justice } Seal }



At the foot of which Deed are the words and figures  
following Dicit "Recorded in Book E on pages  
334 & 335 of the Records of Marion County Illinois

Given and certified by me  
Recorders fee 100 Geo E Lester Recorder of  
Marion Co Illinois."

Also upon the back of said Deed was the following  
endorsement Dicit "Filed for Recording

Decr 24<sup>th</sup> A.D. 1846

Geo E Lester Recorder  
Recorded & examined

Bond for costs in words figures as follows

Dicit

James Kimball

Elias Chaffin

Jefferson Chaffin

Circuit Court of Marion County  
in the State of Illinois March term  
A.D. 1847  
In Chancery

I do hereby enter myself security for costs in this  
cause and acknowledge myself bound to pay or cause  
to be paid all costs which may accrue in this action  
either to the opposite party or to any of the officers of  
this Court in pursuance of the Laws of this State

Dated this 23<sup>d</sup> day of February A.D. 1847  
Urial Mills

And afterwards Dicit on the 9<sup>th</sup> day of March A.D.  
1847 Tho D Honts Guardian ad Litem and filed  
his answer in words and figures following Dicit



State of Illinois Circuit Court at its March term  
Marion County W.D. 1847

James Kimball

vs

Elias Chaffin  
Jefferson Chaffin

Bill in Chancery for Relief

And the said Jefferson Chaffin  
By J J Houts his Guardian ad  
Litem comes and for answer says that he knows  
of no just cause why the prayer of said Bill should  
not be granted and a Commissioner appointed to  
make said Decd

J J Houts

Guardian ad litem

And at the date last aforesaid Court March  
the 9<sup>th</sup> 1847 being of the March term of the Marion  
Circuit Court 1847 the following order was made  
by the Court Docket

James Kimball

vs

Elias Chaffin  
Jefferson Chaffin

Bill in Chancery

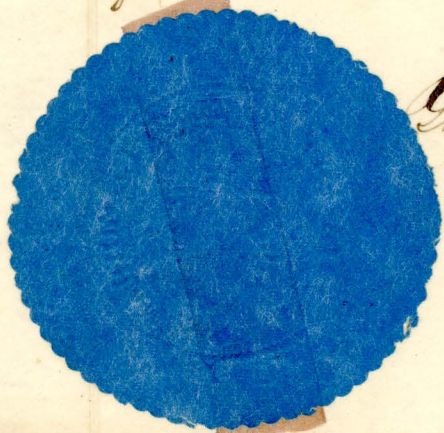
Came the Complainant  
James Kimball by Wills his  
Solicitor and it appearing to the  
Court that Jefferson Chaffin one of the Defendants to  
this cause is a minor. Thomas J Houts is appointed  
Guardian Ad litem for him. It is therefore ordered  
that the said Guardian ad litem and the said  
Adult Defendant to this cause file their answer



herein by Tomorrow morning (Tuesday) and the same having been done as to the said minor and the said adult Defendant having failed to answer and made default. It is therefore ordered that this Bill as to them be taken for confessed and upon consideration of the said answer and the said default of the said Adult Defendant It is ordered adjudged and decreed that in obedience to the prayer of said Defendants Bill Neal Mills be appointed Commissioner to transfer from the said Jefferson Cheffin by lease and release to the said James Kimball the following described Land (Dowry)

The South West Quarter of the North East Quarter of Section Seven in Township Two North Range Two East Containing forty acres lying and being in the County of Marion and State of Illinois

State of Illinois  
 Marion County  
 I H W Egan Clerk of the Circuit Court of said County do hereby certify the foregoing to be a full true & complete transcript of the whole of the Record & proceedings had in the Circuit Court of said Marion County as the same remains on file in my



Given under my hand & official Seal at Salem  
 This 9<sup>th</sup> day of September A.D. 1839  
 H W Egan Clerk  
 J O Chancey Cpt



James Kimball  
05  
Early Chaffin  
Record



Jefferson Choffin Survivor to } Plff in Error  
 vs } Error to Marion  
 The Unknown Heirs of James } depts in Error  
 Remball dec<sup>d</sup>

And the Said Jefferson Choffin  
 Plff in Error (and with Elias Choffin now dead depts below)  
 comes and says that there is manifest error appearing  
 in the records and proceedings had by the Court below in the  
 foregoing cause, and for assigning the Same the said Plff  
 in Error doth now here set down and shew to this Court  
 the following points.

- 1<sup>st</sup> The Court below Erred in ~~rendering~~<sup>deciding</sup> to grant below  
 any relief upon the Case presented by the bill of Camp
- 2<sup>nd</sup> The bill ~~admitting~~ if all its allegations are true  
 do<sup>es</sup> not entitle Camp to relief sought against  
 and the Court Erred in deciding that it did  
 Jefferson Choffin Plff in Error
- 3<sup>rd</sup> There is no proof shown or made in this  
 Case justifying any decree against this  
 Plff in Error, he being a minor at the time  
 and the Court Erred in deciding there was  
 of said decree as appears by the bill
- 4<sup>th</sup> The record so far from showing any fact from  
 which the Court can infer that Elias Choffin paid  
 for the land raises a presumption that Plff in Error  
 and the Court Erred in not so holding  
 paid for it - Such arises from the deed interpreted
- 5<sup>th</sup> The bill shows the purchase by Camp below  
 with full notice of want of title in his vendor  
 & of title in ~~the same~~ this Plff in Error - before &  
 at time of said attempted sale - & nothing  
 is shown to raise a trust in Plff in Error  
 and the Court Erred in deciding that there was a trust



6<sup>th</sup> The proofs are not sufficient to sustain the  
 And it was error in the Court to hold otherwise  
 allegations of the bill of Complaint

7<sup>th</sup> The Court erred in rendering decree for  
 Complaint below & in granting decree &  
 for costs below -

Wherefore, Plaintiff in Error prays that the decree  
 of the Court below may be set aside, annulled  
 made void & for nought Estimated, and that  
 the Bill of Complaint be dismissed  
 and he be reimbursed

Hayden & Sanist  
 for Plaintiff in Error

Error to Marston

Jepperson Chaffin  
 Plaintiff in Error

vs

The Union Trust Co.  
 James Kemball Defendant in Error

Julia Nov. 16. 1859  
 N. L. Johnston Clerk

Parish & Hayman of D. C.

Hayden & Sanist  
 for Plaintiff in Error



# SUPREME COURT, FIRST GRAND DIVISION.

## MT. VERNON, NOVEMBER TERM, 1859.

JEFFERSON CHAFFIN, *Plff in Error*,  
vs.

UNKNOWN HEIRS OF JAMES KIMBALL dec'd, *Defts in Error*.

Error to Marion Co.

- Page of Record 1. February, 1847. Bill in Chancery filed by Kimball (now deceased) against Elias Chaffin and Jefferson Chaffin (Elias now dec'd) praying that a Commissioner be appointed to convey S. W.  $\frac{1}{4}$  of N. E.  $\frac{1}{4}$  Sec. 7, Town. 2, N. R. 2 E. in Marion county, containing 40 acres.
2. Bill shows that *Complt. had some improvements* on said tract of land and that *afterwards one Randall entered it from Government, and afterwards sold it to Clark Vermillion who sold it to Elias Chaffin in 1846—the latter paying for it with his own goods and chattels, but the deed was by Elias Chaffin's order made to Jefferson Chaffin, a minor and son of Elias.* Bill further charges that Kimball had (*at the time of filing his bill*) a bona fide debt due from Elias Chaffin on which judgment had been rendered by Geo. E. Lester, P. J. P., and makes and exhibit of transcript, &c., showing judgment against *Elias Chaffin, John Myers and Peter Myers*, for 68:45 on 12th day of January, 1847. That on 8th of February, 1847. Elias Chaffin sold said land to (Kimball) comp't as per a certain *Writing obligatory* made exhibit of by Bill for \$60. Bill prays summons, returnable at March term, (8th March) 1847; that *defts answer under oath* and prays that a commissioner be appointed to make a deed to Kimball for said lands so purchased &c.
4. Exhibit showing a *parol contract* for sale of said lands by *Elias Chaffin to Kimball* for \$60 to be paid as follows: "The debt I owe to Kimball is to be deducted from said \$60, the balance to be paid as soon as I (E. Chaffin) can get authority &c., to make deed." Contract dated 8th February, 1847.
5. Transcript of judgment from G. E. Lester, P. J. P., in favor of Kimball vs. Elias Chaffin—John Myers and Peter Myers for 68-45.
6. Summons against *defts*, dated 26 February, 1847, and returned served &c.
7. Deed from Clark Vermillion to Jefferson Chaffin for the above land, dated 24th December 1846—Consideration :
8. One hundred dollars to him paid. Warranted, &c. Acknowledged in due form before Geo. E. Lester, P. J. P.
9. Filed for Record 24th December, 1846. Recorded Book E. p. 334—5.  
On 8th March T. F. Houts appointed Guardian ad litem for minor.
10. Files his answer in usual form.
11. On 9th March rule entered that minor have guardian and that he and Elias Chaffin answer by *to-morrow morning*, defendant Elias in default (the order or decree being on 9th) ordered that the bill be *taken for confessed as to them* and decree that U. Mills be appointed Commissioner to make deed as prayed from said minor to said Kimball.

### ERRORS.

13. 1st. The court erred in decreeing to comp't below any relief on the case presented.  
2nd. The bill, if all its allegations be true does not entitle the comp't below to the relief sought vs. Plff in Error.  
3d. There is no proof justifying a decree against the Plff in Error or Minor.  
4th. The record and proofs not only fail to show evidence that Elias Chaffin paid for the land but raise a presumption that Plff in Error paid for it.  
5th. Bill shows the purchase by Kimball to have been with full notice of title in Plff in Error, and shows nothing to raise a trust for Kimball's benefit.
14. 6th. The proofs are not sufficient to sustain comp't's bill.  
7th. The court erred in rendering decree for comp't below and in not rendering it for *deft's* below.

HAYNIE & PARISH.

### BRIEF.

Full proof is necessary in Equity against infants and the record must show it so that on an inspection of the record the facts appearing will justify the decree.

4 Gil. 370.	11 Ills. 255—260.
15 Ills. P 10.	16 Ills. 354.
17 Ills. 602.	18 Ills. 48—77.

The Bill shows no indebtedness of Elias Chaffin to Kimball at the time the land was deeded to Jefferson. But does show actual notice of the deed to Jefferson at the time Kimball bought of Elias Chaffin—hence he cannot have the relief asked.

Vide 2 Kent.

" 4 "

" 7 Johns' Ch. Rep. 68—9.

*See Mullen Brief filed*



Abstract.

Opperson Chopin

by

The unknown Lewis  
of Samson Rumbul



I, John A. Wall, publisher of the  
 Mt Vernon Star, a weekly news  
 paper published in Mt Vernon Mo,  
 do hereby certify that the annexed  
 notice, has been published for six  
 consecutive weeks in said paper,  
 first insertion being made on the  
 20th day of September, and the last  
 on: the 4th of November 1869.  
 John A. Wall secy  
 Pubd.

IN THE SUPREME COURT OF ILLINOIS  
 FIRST GRAND DIVISION.

Jefferson Chaffin, Plff in Error }  
 vs. } Error Marion  
 The unknown heirs of James } to  
 Kimball dec. Def. in Error. }

NOTICE is hereby given to the said Defen-  
 dants in Error, that an affidavit showing that  
 they are not residents of this State, but of some  
 State or place unknown to plff in error, has been  
 filed in the office of the clerk of said Supreme  
 Court—upon which and upon the filing the prop-  
 er process, a writ of error and of sciretacias  
 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 re-  
 quired 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. 1869.  
 [S] NOAH JOHNSTON, Clk  
 Haynie & Parish }  
 Atty's for Plff in error }

2413-27



25

Attn: Healy

Filed Nov. 17 1859-

A. Schuster clerk

an- in Mrs. Haynie's school over 8 year  
to old regards with horror.  
ur NINNIE DAFFODIL.  
(Answer next week.)



Proof & Points of L. May are for proof in  
error in the case of

Jefferson Chaffin

Heir of <sup>by</sup> James Kimball Dec<sup>d</sup>

} Error to Minor

The bill in this case was  
filed by Kimball in Feb 1847. against Elias Chaffin an  
adult & Jefferson Chaffin now sole party in error a minor  
to and its object & scope is to Compel a deed of land from  
the minor; by virtue of a contract made with the adult  
to Compel below. The decree as prayed was rendered  
and now I desire to present three points that arise  
out of this record.

The first point I make is that the proofs must be  
such as to correspond with the allegations & prayer of the  
bill & satisfy the decree

vide 21<sup>s</sup> Mo P. 1.

Some of the parts of variance & failures in this respect  
as shown by this record are as follows -

The bill sets up a sale by Elias Vermillion to Elias Chaffin

The proof by Vermillion and uncontradicted is of a sale to  
Jefferson Chaffin a minor

The Bill sets up payment by Elias Chaffin for the land out  
of his own goods - The proof shows the consideration  
of the deed made & paid by Jefferson Chaffin and  
fails to show that a single cent was ever paid by Elias  
The Bill shows that Jefferson Chaffin was the Son of  
Elias. The proof shows nothing of the kind.



The Bill avers that after the Sale by Vermillion Ellis  
Ordered the deed to be made to Jefferson - the  
proof fails entirely on this point  
The averment is that Elias Sold the Land to Kimball by  
his "Writing obligatory" filed herewith. The Proof Shows  
no Writing obligatory, but only a posse instrument  
Hence. Even if the Complainant below were entitled to some  
relief which I deny in toto, he fails to maintain  
his bill as it is, - This he must do -

### Second Point

The next proposition is that before the plaintiff  
below can be entitled to a decree against the Minor  
he must make not only full proof but he must have  
the same presented in the record or decree. The Court  
will not presume as against this minor that proof  
was made unless it is shown by the record  
and without elaborating this point further - I  
refer to the following authorities -

4<sup>th</sup> Chl. 370 - 11<sup>th</sup> Mr. 255-6 ..  
15<sup>th</sup> Mr. 10 - 16 Mr. 354 -  
17 Mr. 602 - 18 Mr. 48 - 77

By a slight examination of the record in  
this case it will be seen that there is no proof  
to charge a minor and as to him justify  
the decree rendered



This being the Case, the decree for these Causes ought to  
be reversed, and set aside

But there is still another question I desire the  
Court to pass upon & it is this, That if the bill as  
shown by Complaint was very good true & all proven  
Still Complaint would not be entitled to a decree  
as prayed, against Jefferson Chaffin - The Court  
will observe that this bill is not filed to reach  
the Land in order to Collect the debt due from  
Allen to Kimbrell - in which case a prayer for the  
Sale of the Land to pay said debt would be proper  
but it is filed by a portender or alleged purchaser  
for a Conveyance by virtue of a Contract <sup>of purchase</sup> made  
with a party not the legal owner, and with  
actual notice at the time of purchase of  
an adverse title in the minor, - now in the  
Case of a Subsequent purchase, for valuable  
Consideration, Without notice the title will prevail  
over a prior Voluntary <sup>Made in Consideration of Gold or</sup> Conveyance, but the  
purchase must be Without notice for value -

Vide 7<sup>th</sup> Johns Chancery Cases 68, 9-

1<sup>st</sup> Johns do " 269, 70-71 & note 272

Millicants Eqb Jurispr 256

1<sup>st</sup> Story Eqb Jurispr P. 422, Sec 395-6-7.

Not only must this be so, but it must furthermore  
appear in the bill & by proofs that the price has  
been paid by the purchaser before notice



Now in the Case before the Court, it not only ~~does~~  
does not appear that the purchase was without  
notice, ~~Of~~ the title of Jefferson, but it actually  
is shown by the bill that Kimball had notice  
of Jeffersons title when he bought. And  
the Contract Exhibited is expressly predicated  
upon that fact - So he had actual notice  
And hence if the Conveyance from Vermilion  
was at all void (~~the~~ Consideration of payments  
by Elias,) made to Jefferson, And therefore a  
voluntary Conveyance by father to Son, the  
purchaser with actual notice & payments in full  
cannot overest that title.

But, This is not shown to have been a  
voluntary Conveyance by father to Son  
No Connection of Elias with the Land is  
shown by a word of proof until he sells the  
property of Jefferson, And from the proofs  
now Constab. but that, he inherited the money  
that paid for it from an ancestor or acquired  
it in some other way than by his fathers means  
Moreover the records to wit the plaintiffs bill  
& exhibits show, that the Complainants  
did not pay for it before the notice, and  
were not to pay until ~~Jefferson~~ <sup>Elias</sup> could get  
a deed from Jefferson through Court &c  
And indeed there is no proof showing that the



Judgment as Clear is yet paid or satisfied -  
It is Shown that, Kimball did have a judgment  
against Elias Chaffin & others, but the  
mere fact of indebtedness on the part of  
a parent will not justify the Creditor to  
purchase in payment of that Debt, the land  
& real Estate of a Minor Child of the Debtor  
& then Compel a Deed, and this is the  
whole scope & object of this bill, hence  
the plaintiff in Error prays that the  
Deed be reversed and the bill dismissed  
for it cannot be sustained if fully  
proven by proper Evidence

I Weyburn  
for plaintiff in Error



Matthew B. Smith  
+  
Paints

Jefferson Chapman

by

Heinrich & James Kimball  
drawn

---

Heaven for Pledge in  
error



Nashville August 30th 54

Mr Johnston Esq

I herewith inclose to you a precept for  
out of error & Sci fa, also, an affidavit for  
the purpose of having publication in your  
papers, please attend to them at once  
& if the publication for the ensuing term  
is according to the practice in Supreme  
Court do it at once & I will pay fees  
at Court, - I am not fully advised as  
to whether the publication may be made  
now or must be made by an  
order of Court, You know however  
& I hope you will do as the rules  
require. If I can get it in the  
next term & disposed of I am anxious  
was to be so,

Respectfully  
Haynes & Parish  
for Haynes



No 25

Lehmann

my

Heirs of Humbell

Filed Sept. 1. 1859.  
A. Schuster Clerk



State of Illinois

~~Washington~~

~~County~~, County

ss.

This day personally, came before the undersigned Clerk of the Circuit Court of said County, J. McHenry who being duly sworn says on oath, that, James Kimball (who was the Complainant, in the Circuit Court of Marion County Illinois in a certain Cause in Chancery wherein one Eben Chaffin & Jefferson Chaffin were Defts) has departed this life leaving heirs whose names are unknown, to Plaintiff and to Jefferson Chaffin Plaintiff in Error as he believes he further States that he does not know the present residence of said heirs but believes they reside in one of the New England States & Canada & not within Illinois, Wherefore publication is prayed as to said unknown heirs, in the case pending in the Supreme Court at Mt Vernon wherein said Jefferson Chaffin is Plaintiff in Error & said unknown heirs Defts in Error. &

Further I report

Sworn to before me on this J. McHenry's  
29<sup>th</sup> day of August 1879

H. H. Talbot Clerk

By H. C. Cooper Deputy



No 25

Affidant to

Jefferson Chaffin

vs

Unknown heirs of James

Kendall dec'd

---

Philadelphia 1. 1859-

H. Johnston Clerk



State of Illinois } First Grand Division of  
Jefferson County } Supt Court at Mazon

Jefferson Choffin Surviving  
deft below. Plaintiff in Error

vs

The unknown heirs of James  
Kimball Campb below, depts  
in Error

Error to Motion

A. A. Munster CLK

Supt Court

You will please

issue a Writ of Error and See fa, as required  
By Law, Commanding the Clerk of the Circuit  
Court of Marion County, to send up, ~~the records~~  
~~proceedings~~ a transcript of the record and

proceedings remaining on file in his office  
below  
In the case of James Kimball Campb, vs  
Elias Choffin & Jefferson, Choffin depts below.  
The said Elias Choffin & James Kimball being  
now both dead? You will please direct

The Sheriff of Marion County, to summon the  
unknown heirs of sd James Kimball to  
and have said transcript and See fa at  
the next term of the Supreme Court to  
be holden to

Haynie O Parsh  
for Jefferson Choffin Pltff  
in Error



No 25

Receipt

Stephen Chappin  
Plaintiff in Error

vs

The Unknown heirs of  
James Kimball Defts  
in Error

Filed September 1, 1859.

N. Solomon Clerk



No 25 — 8 —

---

Nov. Term 1859.

---

Jefferson Chapin

or

Heirs of Kimball

---

vs To Martin

---

Deer Revenue and  
Bills Dismissed

8413



SUPREME COURT, FIRST GRAND DIVISION.  
MT. VERNON, NOVEMBER TERM, 1859.

JEFFERSON CHAFFIN, *Plff in Error*,

*vs.*

UNKNOWN HEIRS OF JAMES KIMBALL *dec'd, Defts in Error.*

Error to Marion Co.

Page of Record 1. February, 1847. Bill in Chancery filed by Kimball (now deceased) against Elias Chaffin and *Jefferson Chaffin* (Elias now dec'd) praying that a Commissioner be appointed to convey S. W.  $\frac{1}{4}$  of N. E.  $\frac{1}{4}$  Sec. 7, Town. 2, N. R. 2 E. in Marion county, containing 40 acres.

2. Bill shows that *Complt. had some improvements* on said tract of land and that *afterwards* one *Randall* entered it from Government, and *afterwards* sold it to *Clark Vermillion* who sold it to *Elias Chaffin* in 1846—the latter paying for it with his own goods and chattels, but the deed was by *Elias Chaffin's* order made to *Jefferson Chaffin*, a minor and son of *Elias*.

Bill further charges that Kimball had (at the time of filing his bill) a bona fide debt due from *Elias Chaffin* on which judgment had been rendered by *Geo. E. Lester, P. J. P.*, and makes and exhibit of transcript, &c., showing judgment against *Elias Chaffin, John Myers* and

3. *Peter Myers*, for \$68:45 on 12th day of January, 1847. That on 8th of February, 1847. *Elias Chaffin* sold said land to (Kimball) comp't as per a certain *Writing obligatory* made exhibit of by Bill for \$60. Bill prays summons, returnable at March term, (8th March) 1847; that *defts answer under oath* and prays that a commissioner be appointed to make a deed to Kimball for said lands so purchased &c.

4. Exhibit showing a *parol contract* for sale of said lands by *Elias Chaffin* to *Kimball* for \$60 to be paid as follows: "The debt I owe to Kimball is to be deducted from said \$60, "the balance to be paid as soon as I (*E. Chaffin*) can get authority &c., to make deed."

Contract dated 8th February, 1847.

5. Transcript of judgment from *G. E. Lester, P. J. P.*, in favor of *Kimball vs. Elias Chaffin—John Myers and Peter Myers* for 68-45.

6. Summons against *defts*, dated 26 February, 1847, and returned served &c.

7. Deed from *Clark Vermillion* to *Jefferson Chaffin* for the above land, dated 24th December 1846—Consideration :

8. One hundred dollars to him paid. Warranted, &c. Acknowledged in due form before *Geo. E. Lester, P. J. P.*

9. Filed for Record 24th December, 1846. Recorded Book E. p. 334—5.

On 8th March *T. F. Houts* appointed Guardian ad litem for minor.

10. Files his answer in usual form.

11. On 9th March rule entered that minor have guardian and that he and *Elias Chaffin* answer by to-morrow morning, defendant *Elias* in default (the order or decree being on 9th) ordered that the bill be taken for confessed as to them and decree that *U. Mills* be appointed Commissioner to make deed as prayed from said minor to said *Kimball*.

ERRORS.

13. 1st. The court erred in decreeing to comp't below any relief on the case presented.

2nd. The bill, if all its allegations be true does not entitle the comp't below to the relief sought vs. *Plff in Error*.

3d. There is no proof justifying a decree against the *Plff in Error* or Minor.

4th. The record and proofs not only fail to show evidence that *Elias Chaffin* paid for the land but raise a presumption that *Plff in Error* paid for it.

5th. Bill shows the purchase by *Kimball* to have been with full notice of title in *Plff in Error*, and shows nothing to raise a trust for *Kimball's* benefit.

14. 6th. The proofs are not sufficient to sustain comp't's bill.

7th. The court erred in rendering decree for comp't below and in not rendering it for *deft's* below.

HAYNIE & PARISH.

BRIEF.

Full proof is necessary in Equity against infants and the record must show it so that on an inspection of the record the facts appearing will justify the decree.

4 Gil. 370. 11 Ills. 255—260.

15 Ills. P 10. 16 Ills. 354.

17 Ills. 602. 18 Ills. 48—77.

The Bill shows no indebtedness of *Elias Chaffin* to *Kimball* at the time the land was deeded to *Jefferson*. But does show actual notice of the deed to *Jefferson* at the time *Kimball* bought of *Elias Chaffin*—hence he cannot have the relief asked.

Vide 2 Kent.

" 4 "

" 7 Johns' Ch. Rep. 68—9.

*See Miller Brief filed*



# MOUNT VERNON WEEKLY STAR.

JOHN A. WALL,  
EDITOR AND PROPRIETOR.

Devoted to the Interests of Mount Vernon and Jefferson County.

TERMS—\$1.50 PER YEAR  
IF PAID IN ADVANCE.

VOLUME 2

MOUNT VERNON, ILLINOIS, FRIDAY MORNING, SEPTEMBER 23, 1859.

NUMBER 8.

## Educational.

### HOME EDUCATION.

Parents must not shuffle on the teacher the entire care of their children. It is a big contract, a superintendent of a city school has, to study the character, and map out the lines of the humors and habits of neglected, unregulated children. Many parents would blush at the exposure of their own faults, if they were made sensible of the short-comings of their children by the most reprehensible indifference to their habits. Habits of order, cleanliness, speech, manners, &c., commenced at home, mark a whole course in school. Parents should not be martinets in discipline, exacting even unpleasant demands from their children, but they should win them to be obedient, docile, attentive, mannerly and reverent—whatever is lacking up to this time, by those who send children to school—a few determined lessons given to them now, in the opening week, will prove a wholesome Home Education, and aid, materially, the teachers in developing the good and drawing the sting of the evil dispositions in their pupils.

### THE EDUCATION MOST NEEDED.

The question is often asked, why is it that so few people are successful in business, and why property finds such

## Youth's Column.

### LOVE ONE ANOTHER.

Children do you love each other.  
Are you always kind and true?  
Do you always do to others,  
As you'd have them do to you?  
Are you gentle to each other?  
Are you careful day by day,  
Not to give offense by actions,  
Or by anything you say?  
Little children, love each other,  
Never give another pain:  
If your brother speak in anger,  
Answer not in wrath again.  
Be not selfish to each other,  
Never spoil another's rest,  
Strive to make each other happy,  
And you will yourselves be blest.

### THE NEW KEY.

'Aunt,' said a little girl, 'I believe I have found a new key to unlock people's hearts and make them so willing; for you know, aunt, God took my father and my mother, and they want people to be kind to their little daughter!'  
'What is the key?' asked aunt.  
'It's only one little word—guess what?'  
But aunt was no guesser.  
'It is please,' said the child; 'aunt, it is please; if I ask one of the great girls in school, 'Please show me my parsing lesson?' she says, 'O yes,' and helps me. If I ask 'Sarah, please do this for me?' no matter, she'll take her hands out of the

## Sunday Reading.

### HEARING IN CHURCH.

Is it not true that most people go to church to be entertained rather than to be instructed? This being the prominent feeling, if not thought, of the church-goer, it makes unprofitable even the best of preaching, if from any cause pleasure is not derived from it. This feeling for enjoyment demands usually what has in it no spiritual element at all. It asks for a fine manner. The minister must be a graceful speaker. It is desired that he be pretty, as Luther says, 'that the young ladies may love him'; that he dress with taste and that his manner be graceful. His style must be pleasing and abound in figures. The subjects presented must be impersonal. Human nature in its deep woe is too serious for entertainment, salvation too personal for pastime. Therefore the minister must, to be entertaining, select such topics as present pleasant pictures—beautiful ideals to contemplate. If he will venture to touch on sin, he must do it wittily. If he is 'very sarcastic,' that is good, for we do take a malicious delight in hearing other people 'shown up.'  
That this is the general demand for preaching is evident from the remarks made at the church door and on the way home. 'What a fine looking man! What a sweet voice! What beautiful language! How beautifully he reads his hymns! O! wasn't that a splendid figure about the sunset of life? How he did 'cut up' these fantasies—he is so satirical?' On: Did you ever hear anything so dry and prosy? It was

## Things Wise and Otherwise.

A LITTLE NONSENSE NOW AND THEN  
IS RELISHED BY THE BEST OF MEN.

### AN ORIGINAL LOVE STORY.

The following was published some time ago, but age has not destroyed its flavor: He struggled to kiss her; she struggled the same way. To prevent him, so bold and undaunted. But as smitten by lightning he heard her exclaim, 'Avaunt sir!' and off he avanted. But when he returned with the fiercest laugh. Showing clearly that he was affronted, And threatened by main force to carry her off. She cried 'don't,' and he don'ted. When he meekly approached, got down at her feet, Praying loud as before he had ranted That she would forgive him and try to be sweet. And said, 'can't you?'—the dear girl re-canted.

Then softly he whispered, 'How could you do so?'  
I certainly thought I was jilted; but come thou with me, to the parson we'll go:  
'Say, wilt thou, my dear?' and she wilted.  
Then gaily he took her to see his new home,

## ANOTHER PATENT SERMON.

TEXT. There is something in a kiss, Though I cannot reveal it, Which never comes amiss; Not even when we steal it.

MY HEARERS. — I've no definite knowledge of the precise time at which kissing was invented, but, somehow, I have a notion that it is a discovery made somewhere in the bowels of antiquity, long prior to the little attempt which Noah made at navigation. The first recorded instance, I now recollect, of the application of this discovery, is related of good old Jacob, who, when he kissed Rachael, 'lifted up his voice and wept: why he wept, I believe, remains a matter of controversy to this day, and as I have never experienced any blubberative sensations from the kissing experiment. I trust I shall be pardoned for not giving a philosophical answer to the why Jacob wept. Some have assigned one cause and some another, for this peculiar manifestation; I suppose he wept because—yes,—because—well, because—he wept! There you have my opinion in a lump.

My friends, I don't cite this instance of kissing because I believe Jacob to have been the first man who ever kissed a pretty girl, though I am bound to believe that he is the first, last, and only one who ever blubbered over the operation. I've kissed a meeting house or sheep-yard full of the dear females and never felt like crying

through the gizzard, tingles in the fingers, and makes the feet feel like jumping a Jim Crow of ecstasy right on the spot. There is, however, sometimes communicated, a shock which is altogether too powerful for weak nerves; and many a trusting feminist has found, after repeated experiments, that the application of the kiss of a cousin battery was by no means conducive to her present peace and happiness, or to the increase of her bundle of hopes and joys for the future. There is moreover a strong tendency in this peculiar current of electric or magnetic influence to desire to repeat the shock, and sometimes the positive poles of the two batteries come in such close contact that it seems almost impossible to separate them.

But this brings us no nearer to the answer to the question, what is this peculiar influence? than when we started and I confess the corn—I don't know what it is a bit more than the author of my text did; and he confesses that he cannot reveal it. I do know this much, however—it is a most delightful something—an influence which makes a man feel as though he was crawling through a field of pure etherial sublimity, with Hallelujah in one hand, Hail Columbia in the other, and a bushel basket full of glory on his back. It causes young maidens to imagine that they inhabit the land where rainbows come from, and live on sublimated chloroform.



was educated at one of our best colleges. Both have been industrious, honest and economical, and yet neither of them had been successful in business. Why is it? asks the New York Express, and that journal proceeds to point out the cause, and in the course of its remarks, observes:

"The idea too commonly prevails that a mere knowledge of books is the beginning and ending of education.—The sons and daughters, especially of the rich, grow up with this notion in their heads, and idleness, as it were, with little idea of the responsibilities that await them. Their nature revolt at the mention of 'labor,' not dreaming that their parents before them obtained the wealth which they are so proud of by industry and economy.—How many young men, college bred though they may be, are prepared to manage the establishments which their father's possess, and which it may have required a lifetime to acquire? How many young woman, though having acquired all the knowledge of the best schools, know how to do what their mothers have done before them, and which their daughters may be compelled to do at some period of their lives? The children of the poor have to labor or starve, and as far as that goes they are educated to be practical. The education that scoffs at labor and encourages idleness is the worst enemy to a girl, man or woman. Instead of ennobling, it degrades; it opens up the road to ruin. The education which directs us to do what we are fitted to do, that respects labor, that inculcates honesty, industry, and fair dealing, and that strips us of selfishness, is the education we do need; and that which must become the prevailing system of the country before we can be as a people either happy or prosperous.

**QUILLS**—are things that are sometimes taken from the pinions of a goose to spread the opinions of another.

—A good many parents pay no attention whatever to the training of their children, and then blame the schoolmaster for not imparting to them an education.

'F, you look and smile just like mother,' and that is best of all,' cried the little girl, throwing her arms around aunty's neck, with a tear in her eye.

Perhaps other children will like to know about the key, and hope they will use it also; for there is great power in the small kind of courtesies of life.

### ENIGMA.

I am composed of 16 letters.

My 1 14 12 4 is a girl's name,

My 2 10 3 14 7 8 9 is a boy's name,

My 3 15 6 5 is a kind of grain raised in warm climates,

My 4 5 2 12 16 signifies an earnest desire for an object.

My 5 14 3 13 4 signifies in good season, My 6 7 2 3 13 15 5 is what the writer of this Enigma is often called by his friends.

My 7 4 9 16 is a kind of song,

My 8 13 9 14 16 8 6 is a very useful book,

My 9 8 3 4 was Queen of England in 1553-8,

My 10 15 1 2 16 14 is a term applied by Cuvier, to the highest order of Mammalia,

My 11 9 15 13 4 is a girl's name,

My 12 14 15 16 is water from the clouds,

My 14 9 10 13 11 is a peculiar gait, or race of a horse,

My 16 15 6 5 is a name given to one of our citizens:

My whole is the name of a very successful teacher of Mt. Vernon.

C. E. R.

(Answer in our next.)

### ENIGMA.

I am composed of 15 letters.

My 1 2 3 4 5 6 is a boy's name

My 7 11 15 is a girl's name

My 6 7 8 9 10 11 12 is a way of cleansing clothes

My 12 10 11 is a kind of liquor

My 12 14 1 5 is a kind of ravine in a mountain

My 13 14 6 15 is a collection of houses

My 13 14 15 is a certain weight of hay.

My whole is the greatest general ever lived,

HORATIO.

[An answer desired.]

—Pretty nearly all men are benevolent when it don't cost them much. Tom never sees poor John suffer but he thinks Sam ought to help him.

—such a holy illustration. Not one word about Christ?

### AN EARNEST APPEAL.

Suppose it was announced, with the most absolute certainty, that Jesus of Nazareth would be in the centre of Washington square, to-morrow, at 12 o'clock; and that he was going to do then, as he did over and over again when upon the earth, restore the blind to sight, the deaf to hearing, the lame to the use of their limbs, and sweep every species of disease from the human frame! Think you there is an avenue in this city that would not be thronged, or a face which would not be set in that direction? Is there a family where is sickness, or blindness, or deafness, or lameness that would not be going? Would five hundred country merchants keep a man in Market street or Front street from going there to have a blind child restored to sight or a sick wife cured, or a darling boy restored to the use of his limbs? No, sir! And there is not a man in Philadelphia, either, who would say that he was a fool or a madman.

Well, now, Jesus Christ is in the Samson Street Church every day from 12 to 1 o'clock. What for? For no less purpose than to heal the disease that, as God is on the throne, will damn every soul forever unless it is healed! Is that of less importance to you and to me, and to me that all our dear ones, than it would be to cure a leprosy or blindness which after all would endure but for a few years? Everybody that Jesus healed while on earth, has rotted in the grave; but every soul that he converted, is in glory to-day, and will be there forever.

Will God's people take hold of the matter? and show that we BELIEVE the religion of Jesus a divine one. He came, my brother; he came, my venerable fathers and brethren; he came my beloved mothers and daughters and sisters—Jesus, God's Jesus, came down from the very throne of glory, and tabernacled on the earth to save us from the power of sin! Oh, that God would open yon heaven, and let down such a baptism upon us to-day that we shall leap into the life of salvation and go forth to the **SERVE** the Master.—Rev. John Chandler.

—The last beautiful words of the old schoolmaster were: 'It is growing dark—school may be dismissed.' Down to the gates of an unseen world he carried the love and regard of the children he had trained. It was his last kind dismissal in this world of schooling.

—Our Tod's definition of a widow is, 'One who knows what's what, and would like to investigate farther.'

—An Eastern paper noticing the marriage of Mr. Hogthead to Miss Barrel supposes the next thing will be a little keg. Prentice thinks the next thing will be a little firkin.

—A tall Eastern girl named Short long loved a certain big Mr. Little; while Little, little thinking of Short, loved a little less named Long. To make a long story short, Little proposed to Long and Short longed to be even with Little's short comings. So Short, meeting Long, threatened to marry Little before long.

**QUERY.**—Did tall Short love big Little less, because big Little loved little Long?

—A well-bred woman never hears an impertinent remark. A kind of discreet deafness saves many insults.

—'You look like death on a pale horse,' said Jim to a toper who was growing pale and emaciated.

'I don't know anything about that,' said the toper, 'but I'm death on pale brandy.'

—'Mr. Tree, if you are about to leave, I shall detain your trunk,' exclaimed an incensed lady to her lodger! who was slightly in arrears.

'Wherefore?' asked Mr. T., indignant. 'For board,' replied the widow.

—In a discussion at an agricultural club, a wag recommended the farmers to put snuff on their corn, so as to make the crows sneeze, and then to shoot the sneezing ones as the rogues.

—Wy are sheep the most dissipated and unfortunate of animals? Because they gambol in their youth, frequent the turf, are very often blacklegs, and are universally fleeced.

—When is a clock on the stairs dangerous? When it runs down.

He that would move another man to laughter.

Must first begin, and t'other soon comes after.

—The author of the following lines is said to be a distant relative of Alexander Smith the poet. His name is probably John. He is in a fair way to become as celebrated as Sylvanus Cobb:

Abigail Brown,

With a bran new gown,

Went down to see her sister,

When Jonathan Lee,

As brisk as a flea,

Jumped right up and kissed her.

applied to virgin shewality I would say that the moment Adam awoke, and saw Eve sitting on the grassy brink of the purling stream her tiny white feet dabbling in limpid waters, a kind of natural instinct taught him that she wanted kissing and that it was his privilege and duty to accommodate her to a delicate smack.

This instinct which thus prompted Adam may have been such as prompted the young duck to take to water, and it may have been an inch and a quarter above the brute instinct—I don't pretend to determine.

My hearers, kissing has been invented and established—and thanks to by-gone generations—perpetuated until I have been permitted to have a hand and a pair of lips in the operation. My text says: 'there is something in a kiss' and I believe it, and judging by the peculiar twinge about the corner of your masculine mouths—a tinge of joyous excitement upon your feminine cheeks, and the sparkle of pleasure in all your eyes, I'm fully satisfied you all endorse the sentiment and are ready to affix the seal of your approbation upon it.

But what that something is, remains a matter of the most uncertain, dubiousity even with the most experienced **KISSERS** that I ever met. I call it galvanism—galvanic electricity magnetic electro-galvanism, or something of the sort, but whatever it is, like pure electricity, by any and every name—we know, feel, and understand its effects, though as to the innate nature of the semisublimated substance we all remain as ignorant as an infant tadpole of the precise day an hour on which he will dispense with his posterior elongation for quad upedism.

Yes, my friends, there is something in a kiss—a curious and undefinable something—a kind of feeling of all overishness—that takes effect quicker than accelerated lightning can chase a squirrel down a sapling. The influence of a kiss sets the fire of love in a blaze ten times as quick as gun-cotton would ignite in a steam furnace, it runs along the little nervy fibres of sensibility, settling upon the heart, dispenses itself

sensation, like that of silver under the thumb nail, only a great deal more so. I've kissed a sweet, rosy, laughing girl before now, and felt just as if I wanted to stay so till my mortal toggery fell off, and I stood straddle of a moonbeam, holding electricity by the tail. But as my text says, so say I: whatever this something is, it never comes amiss, not even when we steal it, and still it remains, like the good old sister's religious sensations, 'better felt than told,' and that is just about as well as I can describe it. If any of you—ye lovely looking womanations—have a desire to taste the peculiar properties of this magnetic something, just step forward and signify the same, and I'll be with you in the twinkling of an eye-box.

My dear hearers, setting aside all attempts to define what it is that excites us, in the kissing operations, I shall take the ground that kissing is a natural, harmless propensity, capable of affording great pleasure, and, unless falsely used, incapable of causing any evil. A brother may kiss his sister—a sister her brother—a mother a child—a husband his wife, and nobody thinks any harm, and I don't believe there is any more harm in a fellow's kissing his sweetheart than there is in a mother's kissing her baby, provided he stands up to the rack matrimonial and connubial; thereafter fodder for fodder. It is a sin to kiss a pretty girl, then your respected has got a load on his conscience that would break down a whole drove of elephants, and a caravan of camels.

The greatest objection I have, is to the abuse of this propensity in the outrageous waste of the raw material practiced by young ladies and kissing each other—that is the most shameful waste I have ever seen—and that to when the dear creatures know or ought to know, that we masculines are dying for a few.

When I kiss a shemala, I do so from the bottom of my heart, and she will know and feel the sensation just as distinctly as you can feel the impression of a dray wheel when it runs over your corns. But she never will find it



out by the explosion, for my lips never make a noise like drawing the swob out of a seventy-four pound Paixhan gun—not they. I sip the honey of affection from her lips, and the pure cream of love from her soul as gently as the bee extracts the sweets from a rose, and she never will know what hurt her, but she will ascertain that I have drawn her affections into my gizzard just as easy and just as certain as sucking elder through a straw. If a right pretty girl will hold up her sweet pouting lips and let me kiss her fully, fairly, and freely I'll bet my hopes of corn dodgers in revision, that she will love me with the force of a cotton press from thence forth to thenceforth. I'll make the bet on the ground that she loves her own soul, and those I shall have sucked into my own bosom; before that kiss is consummated. Youthful specimens of hemality? if you want to learn this divine art, just call at my study any time during this week—and bring along the prettiest girl in town upon whose lips I can give the lesson and I'll instruct you for a reasonable compensation.

Young specimens of feminine gender, if you desire to win the affections of female bipeds, all you have to do is to be sparing of your kisses until they earn and preserve them, and lavish with your eyes, and be as modest as a nest of puddle ducks eggs. And all of you if you want to go to a land where kissing is the circulating medium, live prudently, love moderately, act wisely, be honest, upright, patient and pious, never cheat each other in the affairs of the heart or play the Jadas in kissing, and your hereafter shall be just as big as you want it and full of delicious kisses as big as soup plates. Thus mout it be.

#### THE NEXT CENSUS.

The year 1860 is the time appointed for taking the eighth census of the United States. From having been originally a simple enumerations of persons, this Federal census has grown to be a decennial register of the number

## WEEKLY STAR.

JOHN A. WALL, : : : : : Editor.

"Thy spirit—INDEPENDENCE—let me share;  
Lord of the lion heart and eagle eye;  
Thou wilt I follow with my bosom bare.  
Nor heed the storm that howls along the sky."

MT. VERNON, : : : : : ILLS.

SEPTEMBER 23rd, 1859.

#### THE MOUNT VERNON STAR.

Is to be published every Friday Morning in Mt. Vernon, Illinois. The number will be issued August 5th, 1859. It is the object of the proprietor of the 'Star' to make it such a sheet as will merit and receive the support of citizens of this county.

TERMS—\$1.50 a year, invariably in advance. Clubs of five can have it for \$1.25 each; Clubs of ten can have it for \$1.00 each.

#### RATES OF ADVERTISING.

One square (ten lines or less) one week : : \$1.00  
Each additional insertion, : : : : : 25  
One square, one month, : : : : : 2.00  
" " four months, : : : : : 5.00  
" " one year, : : : : : 7.00  
One fourth of column, one year, : : : : : 15.00  
" half " " " : : : : : 25.00  
" column one year, : : : : : 40.00  
Notices of Administrators, Executors, or Guardians for Partial or Final Settlements of estates will be charged \$2.00.

All advertisements, not specified as to how often they are to be published, will be charged in accordance to the above rates.

Business cards (ten line or less) one year \$5.00

JOB PRINTING of all kinds done at this office with neatness and dispatch.  
JOHN A. WALL, Editor and Proprietor,  
Mt. Vernon, Illinois.

OFFICE IN THE BASEMENT OF THE ODD FELLOWS HALL—MAIN STREET.

#### CAMP MEETINGS.

At this season of the year in the early settlement of the country "Camp Meetings" were the popular institutions of the day. But since the country has not only settled up, but has also assumed the social fixedness of a permanent civilization, there is a difference of opinion as to the influence of these great popular outbreaks of religion. That Camp meetings, in their day, were productive of good, no person conversant with them will doubt. One who has attended one of these meetings,—especially at night—must have become aware of the profound impression it is calculated to make. In this dull, plodding, unpoetic age, when money-getting, and money-keeping are the inspiring themes, and greed is the moving principle within, the poetic element in man has no place.

as were enacted at the camp meeting, four miles east of here, on last Sunday night.

How different and how simple, the meeting of the people where there is no adornment of art, but where, in sympathetic unison with nature, they can worship Him who hath sustained and blessed all generations of men from the time when the "morning stars sang together, and the sons of God shouted for joy!"

#### CAN ANY ONE TELL?

Can any one tell how it is that during these hard times, when every merchant, manufacturer and mechanic is doing his utmost to keep his nose above water, our numerous drinking saloons are well sustained and even new ones starting?

Can any one tell how men, who absolutely cannot pay small bills, can always find plenty of money to buy liquor and treat when happening among friends?

Can any one tell how young men and women, who are always behind with their landlords, can play billiards day and night, and are always ready for a game of 'poker' or 'seven up'?

Can any one tell how it is, that some men who owe their butchers, owe for rent, and owe everybody who will credit them, will ask their neighbors in to oyster suppers, and always manage to have all the delicacies of the season?

Can any one tell how it is that virtuous young women, who have poor ancestors on the male side, poor brothers and are dismally poor themselves, arrange it to dress in silks, and never wear the same dress at two sociables?

Can any one tell how lawyers, who have no cases, and doctors who have no patients, manage to make the ends meet, or meet the ends?

Can any one tell how men live and support their families, who have no income and don't work; and why others who are industrious and constantly employed half starve?

Can any one tell how it is that a man who is too poor to pay ten cents a week for a good daily paper, is able to pay fifty cents a day for tobacco and cigars, to say nothing of an occasional drink?

fact, anybody but her husband she would have been treated like a human being. He, perhaps, becomes a little angry, and suggests if she had married Adam she would have dressed like Eve! But as she had married him she must wear what he can give her. This rouses her temper, and she comes immediately to

PLEA No. 6—or, The Plea Conclusive. Which consists of a threat to go to her mother, and many upbraidings that he brought her away from the joys of her own home, to abuse and make her miserable.

Now, no man was ever able to stand all these pleas. He generally falls at No. 1, and only in extreme cases reaches No. 6.

QUESTIONS TO BE ASKED.—It would be advisable if all those aspiring heroes who, whenever a foreign or mercenary war breaks out, are anxious for commissions, to ask themselves the following questions:

1. If I be disabled will the government for which I fight allow me a pension sufficient for my future maintenance? 2. Should I be killed will any provision be made for my family? 3. While I am away will those I leave behind destitute be cared for? It would be still better, were the questioner in this case to have somebody at hand to reply after this fashion: 1 No; you will be left to shift for yourself—probably to go about in a wooden bowl with a placard on your breast inscribed;—'Pity the poor soldier.' 2. Your wife and children will be sent to the poor house. 3. They must look after themselves. After this, go and fight if you can!

#### WHAT CONSTITUTES A RICH MAN.

Thirty years ago, says a New York correspondent of the Charleston Courier, "a man in New York was extremely rich who was worth \$200,000, and very few in New York was worth that. There was old Nat Prime, of the firm of Prime

For the Star.

#### THE CESSATION OF PROPERTY.

Dear People of Jefferson what do you say

To running your friend for assessor, An honest man you don't meet every day,

That is, that is not a professor.

Here I have resided for many long years And attended you in the sixth trouble Nor ever denied you my money or tears, When certain of getting the double.

So kind are the feelings that I entertain For my neighbors and eke for all others,

From kissing them slily I scarce can refrain,

(Excepting the fathers and brothers.)

When I shall come cessing and ask you the price,

You answer ten dollars per acre—

If I put her down twenty you're richer by twice;

So that is the way that I'll take 'er.

I will do any way to help you along, And we'll talk and palaver and splutter,

And then we will see if your coffee is strong,

And how goes your biscuit and butter.

So talking and eating we hope to get round

At least by the first of October,

If plenty of competent help can be found,

And we can keep half the time sober.

So well shall the work be done when I assess

And foot up the total account too,

I think I'll be able to make you a guess Of what the whole thing will amount to.

Now People of Jefferson what do you say?

Will you try me and put up a quar-

S. T. STRATTAN

## Has Removed

HIS GOODS TO HIS

## NEW STORE,

SOUTHEAST CORNER OF THE

## Public Square.

Mt. Vernon, Ills., Sept 15th, 1859.

## PERFECT WATCHES.

MADE BY B. J. WARNER & FRED. MARSHALL, of London,

UNSURPASSED FOR TIME AND DURABILITY, having received the approbation of the

Royal Polytechnic Institute of London.

Prices at Retail from \$100 to \$200.

THE TRADE SUPPLIED ON LIBERAL TERMS.

## DIAMONDS & FINE JEWELRY.

constantly on hand at Wholesale.

W. EVERTSON SMITH,

NO. 15 MAIDEN LANE.

## Fever and Ague,

from which mankind suffer over a large part of the globe, is the consequence of a diseased action in the system, induced by the poisonous miasm of vegetable decay. This exhalation is evolved by the action of solar heat on wet soil, and rises with the watery vapor from it. While the sun is below the horizon this vapor lingers near the earth's surface, and the virus is taken with it through the lungs into the blood. There it acts as an irritating poison on the internal viscera and excreting organs of the body. The liver becomes torpid and fails to secrete not only this virus, but also the bile from the blood. Both the virus and the bile accumulate in the circulation, and produce violent constitutional disorder. The spleen, the kidneys, and the stomach sympathize with the liver, and become disordered also. Finally, the instinct of our organism, as if in an attempt to expel the noxious infusion, concentrates the whole blood of the body in the internal excretories to force them to cast it out. The blood leaves the surface, and rushes to the central organs with congestive violence. This is the CHILL. But in this effort it fails. Then the Fever follows, in which the blood leaves the central organs and rushes to the surface, as if in another effort to expel the irritating poison through that other great excretory—the skin. In this also it fails, and the system abandons the attempt exhausted, and waits for the recovery of strength to repeat the hopeless effort another day. These are the fits or paroxysms of FEVER AND AGUE. Such constitutional disorder will of course undermine the health if it is not removed.

We have labored to find, and have found, an antidote,

## Ayer's Ague Cure,

which neutralizes this malarious poison in the blood, and stimulates the liver to expel it from the body. As it should, so it does cure this afflicting



wealth of the nation. The collection of these statistics has hitherto been attended with immense labor and difficulty. The inquiries of the census takers have not only been baffled by the stupidity and perverseness and ignorance of many to whom they were addressed, but it has been impossible to obtain accurate information upon important subjects because the parties; who alone are presumed capable of imparting it, have never taken the trouble to inform themselves. It often occurs that, in the absence of the head of a family no other member of it is able to give the information required; for instance as to the ages of the different members or it, or the amount of land in cultivation, the number of negroes and their ages, the quantity and value of horses, mules and oxen, &c., or of farming implements or farm products.

In town and country similar difficulties are continually met with by the marshals appointed to collect these statistics, and the census is consequently returned incomplete. It is probable that while care will be observed to prevent any frauds or excess in the publication of the next census, it will be ordered by Congress to be taken so as to include all the most important items of information in regard to the progress of our population and our country.

In view of this contingency the Nashville News very sensibly suggests that each farmer, this fall, as he gathers his crops, shall keep something like an accurate account of the quality and value of the same; and if he will take the trouble to make out a statement of the names and ages of his family; the number of acres of land, cleared and timbered; the number and ages of his servants; the number and value of his horses and mules; the number of bales of cotton, barrels of corn, bushels of wheat, oats, rye, barley, potatoes, &c., and leave it in some place where any member of the family, who may be at home when the deputy marshal shall call, can readily get hold of it, it will save time to all concerned, and very greatly assist to make the census returns perfect, complete and satisfactory.

lock, with his soul shrivelled by the worship of Mammon, can resist the influence of a religious meeting among the trees at night. As the oak crowned priestesses of the Druids performed their religious rites in the gloom of the forest, and their mysterious influence was resistless—so as the solemn tones of the speaker at camp meeting reverberates through the forest, telling us of this life fleeing away from us, and the grave at hand—the quiet solemnity of the responses—the whispering trees overhead, and the stars glimmering beyond; the glare of the camp fires, that render beyond them the “darkness visible;” the forms that flit here and there, like spirits of mysterious power,—all go to produce an impression upon the hearer impossible to resist, and take him for the time to where, as Tennyson says:

“Heaven opens, inward chasms yawn,  
Vast images in glimmering dawn  
Half shown, are broken and withdrawn.”

At such times the pall of avarice is lifted from the soul, and higher and loftier sentiments take possession.—Then, if ever, can the inquiring soul realize in some faint degree, the power and the grandeur of Him “who maketh darkness his secret place, and whose pavilion round about him, is dark waters and thick clouds of the skies.” At present, however, there no longer lingers around these camps and groves, that sacredness of devotion that formerly waked up the songs of Zion, and made the whole congregation rejoice. They now assume the aspect and feelings of festive retreats, and call together crowds from the dusty city and town, and the surrounding country, merely seeking the pleasures of social quietude in kind of a picnic way. Hot bloods and rowdies, and dashing young men, with fast horses and rattling buggy wheels, with romantic young women, are more prominent than other ways.

We old foggy christians look on these things, and the tears start—the grove is no longer hallowed with sincere devotion, the fires have died out on the altar, the songs of the heart are lost in the fashions and formalities of the day. Hence it is that we hear of such scenes

## THE SIX PLEAS FOR A NEW DRESS.

Tittlewinks wants another dress and her lord protests. Now observe how she manages; she approaches with

PLEA No. 1—namely, The Persuasive Plea. Oh, how hard he has to fight! She tells him how she loves him, smooths his hair, calls him a king; asks if he has the heart to deny her. If he says he has, she proceeds to

PLEA No. 2—or, The Destitute Plea.—She informs him of the fact that she has nothing to wear, and says the man is a brute who would not give his wife something to wear. That she is not fit to be seen. That she is not fit to be seen. That the people will cry shame on him. In vain he says that ‘beauty unadorned is adorned the most.’ She asks if he can be so mean as to refuse her. If he says ‘yes,’ she proceeds to

PLEA No. 3—or, Pouting plea. This consists more of gestures than speech. She sits at the table with her little nose turned up, and her little eyes turned down. She eats little, (till he goes to business) sighs often, and walks about the house like a bad-tempered ghost. She speaks only to say ‘she knew it would be so,’ and ‘it served her just right.’ Should he dare to say ‘it did,’ she proceeds to

PLEA No. 4—or, The Property Plea. She politely asks for the little money she had when she was married. Certainly she can do what she wishes with her own. In fact she had no property when they were married. All her worldly goods consisted of a few worsted and knitting pins; but these knitting pins she always pokes in his eyes, unless she conquers him before she gets to plea no. 4. Should this fail, she proceeds to

PLEA No. 5—or, The Comparative Plea. All her departed lovers are made to pass before the unhappy man, and he is compared with them one by one. If she had married Mr. Snooks, i. e., the coachman, she would have had a livery. If she had married Mr. Swizzle, she would have lived in style on Broad Street. If she had married, in

fact, was worth three or four millions.—The richest men were connected with commerce. There were then five or six leading firms, and a man only worth \$250,000, is considered a man in ‘moderate not to say ‘indigent’ circumstances. Wm. B. Astor is worth about \$5 millions; George Law is worth ten millions; so is Stephen Whitney. Commodore Vanderbilt will not cut up less than eight millions. Dozens of people are worth five millions, and mere ‘millionaires’ are quite common, and to furnish the Courier with a list of this poor class would use up several columns. Our old merchants, who became very rich never made it in trade. When they had done a good years business, they drew out \$3,000 or 4,000 and bought real estate. I passed a lot yesterday, that the present owner once paid \$8,000 for, and has refused \$200,000 for it a dozen times. The profits of the merchants small or large, invested from year to year, have made them vastly wealthy without their exactly comprehending how it was done.’

A country editor, having received two gold dollars in advance for his paper says that he allows his children to play with the other children as usual.

Good sense is the father of Wit. Truth, his grandfather, and Mirth and Good humor his boon companions.

When ill news comes too late to be serviceable to your neighbor, keep it to yourself.

We refer our readers to the advertisement on the third page of our paper, from the well known and popular firm of Wm. S. McKnight & Co., Main street. St. Louis. Of the many Boot & Shoe houses in the West, we believe this to be the largest in extent and variety of its stock; and, from the judicious system adopted in its purchase, we have no doubt the proprietors will be able to suit the wants of the public, and sell at such prices as will be satisfactory to those who may favor them with their orders. We recommend the house to the merchants and dealers about visiting St. Louis, in the belief that they will find everything that they look for, in the Boot and Shoe line with Messrs. McKnight & Co.

I shall always, believe it had order!

Or will you be voting for some other man;

(Under promises made to be broken;)

With the very same principles I entertain,

And reject me because I'm outspoken.

Very Respectfully,

I. B. HAVE.

Mt. Vernon, Sept. 19th.

## NOVEMBER ELECTION.

JAMES WESTCOTT requests us to say that he feels truly thankful for favors received at the hands of the citizens of this County; and also authorizes us to announce him as a candidate for the office of County Treasurer. Election to be held on the 2d Tuesday in November, 1859.

We are authorized and requested to announce HIRAM CASEY as a candidate for the office of County Treasurer, and if elected will discharge the duties of said office faithfully. Election on the 2d Tuesday in November.

ASA B. WATSON requests us to announce him as a candidate for County Treasurer and Assessor, and hopes that he may receive a liberal number of the votes of the people of Jefferson County.

JOHN A. P. HICK'S requests us to say that he feels truly thankful for favors received at the hands of the citizens of this County; and also authorizes us to announce him as a candidate for re-election to the office of School Commissioner. Election to be held on the 2d Tuesday in Nov.

## TIMES OF HOLDING COURTS.

For transacting Co., business 1st Mondays of March, June, September and December. For transacting probate business 3d Mondays in each month.

Circuit Judge, E. Beecher, Fairfield. States Att'y, Jas. S. Robison, Carmi. County Judge, John R. Satterfield. County Clerk W. Dodds. Circuit Clerk John S. Bogan. County Surveyor, A. M. Grant. School Commissioner, John R. P. Hicks. Sheriff, John Bagwell.

## Final Settlement.

NOTICE is hereby given that I shall attend before the Probate Court of Jefferson County Ills., to be begun and holden at Mt. Vernon on the 3d Monday in November, 1859, for the purpose of making a final settlement with Lucinda L. Allen, one of the heirs of Rhodam Allen, dec.

[s 8 6w]  
SAMUEL K. ALLEN, Admr.

Consequently it not only cures, but protects from, the great variety of affections, which are induced by this malignant influence, such as Remittent Fever, Chill Fever, Dumb, or Masked Ague; Periodical Headache, or Bilious Headache, Bilious Fevers, Neuralgia, Rheumatism, Gout, Blindness, Toothache, Earache, Catarrh, Asthma, Palpitations, Painful Affections of the Spleen, Hysterics, Colic, Paralysis, and Painful Affections of the Stomach and Bowels, all of which, when arising from this cause, will be found to assume more or less the intermittent type. This “AYER'S CURE” removes the cause of these derangements, and cures the disease.

This it accomplishes by stimulating the excretories to expel the virus from the system; and these organs by degrees become habituated to do this their office of their own accord. Hence arises what we term *acclimation*. Time may accomplish the same end, but often life is not long enough, or is sacrificed in the attempt, while this “AYER'S CURE” does it at once, and with safety. We have great reason to believe this is a surer as well as safer remedy for the whole class of diseases which are caused by the miasmatic infection, than any other which has been discovered; and it has still another important advantage to the public, which is, that it is cheap as well as good.

PREPARED BY

DR. J. C. AYER & CO.

LOWELL, MASS.

PRICE ONE DOLLAR PER BOTTLE.

## Ayer's Cherry Pectoral

has won for itself such a renown for the cure of every variety of Throat and Lung Complaint, that it is entirely unnecessary for us to recount the evidence of its virtues, wherever it has been employed. As it has long been in constant use throughout this section, we need not do more than assure the people its quality is kept up to the best it ever has been, and that it may be relied on to do for their relief all it has ever been found to do.

## Ayer's Cathartic Pills,

FOR ALL THE PURPOSES OF A PURGATIVE MEDICINE.

FOR COSTIVENESS;  
FOR THE CURE OF DYSPEPSIA;  
FOR JAUNDICE;  
FOR THE CURE OF INDIGESTION;  
FOR HEADACHE;  
FOR THE CURE OF DYSENTERY;  
FOR A FOUL STOMACH;  
FOR THE CURE OF BRUISES;  
FOR THE PILES;  
FOR THE CURE OF SCROFULA;  
FOR ALL SCROFULOUS COMPLAINTS;  
FOR THE CURE OF RHEUMATISM;  
FOR DISEASES OF THE SKIN;  
FOR THE CURE OF LIVER COMPLAINT;  
FOR DROPSY;  
FOR THE CURE OF TETTER, TUMORS AND SALT RHEUM;  
FOR WORMS;  
FOR THE CURE OF GOUT;  
FOR A DINNER PILL;  
FOR THE CURE OF NEURALGIA;  
FOR PURIFYING THE BLOOD.

They are sugar-coated, so that the most sensitive can take them pleasantly, and being purely vegetable, no harm can arise from their use in any quantity.

Price 25 cents per Box; Five boxes for \$1.00.

Great numbers of Clergymen, Physicians, Statesmen, and eminent personages, have lent their names to certify the unparalleled usefulness of these remedies, but our space here will not permit the insertion of them. The Agents below named furnish gratis our AMERICAN ALMANAC in which they are given; with also full descriptions of the above complaints, and the treatment that should be followed for their cure.

Do not be put off by unprincipled dealers with other preparations they make more profit on. Demand AYER'S, and take no others. The sick want the best aid there is for them, and they should have it.

All our Remedies are for sale by

Sold by E. E. Welborn and Jas. M. Pace Mt. Vernon, R. W. Lyon Lynchburg, Hawkins & son, spring Garden, and by all dealers in Medicine everywhere.