

# THE KALIDA VENTURE.

Equal Rates, Equal Rights, and Equal Burdens—the Constitution and its Currency.

VOL. XIII—NO. 21.

KALIDA, PUTNAM COUNTY, OHIO, FRIDAY, JUNE 17, 1853.

WHOLE NO. 636.

### SONG.

By Dr. O. W. Holmes, at the Dickens Dinner, Boston.  
(Air—Gramercy.)  
The stars their early vigils keep,  
The silent hours are near,  
When dropping eyes forget to weep—  
Yet still we linger here.  
And what the passing churl may ask—  
Can claim such wondrous power,  
That toil forgets his wonted task,  
And love his promised hour?

The Irish harp no longer thrills,  
Or breathes a fainter tone—  
The clarion blast from Scotland's hills,  
Ales! no more is blown;  
And passion's burning lip bewails  
Her Harold's wasted fire,  
Still lingering o'er the dust that veils  
The Lord of England's lyre.

But grieve not o'er its broken strings,  
Nor think its soul hath died,  
While yet the lark at Heaven's gate sings,  
As once o'er Avon's side—  
While gentle summer sheds her bloom  
And dewy blossoms wave,  
Alike o'er Juliet's woe-struck tomb,  
And Nelly's nameless grave.

Thou glorious island of the sea—  
Though wide the wasting flood  
That parts our distant land from thee—  
We claim thy generous blood,  
Nor o'er thy far horizon springs  
Our hallowed stars of fame;  
But kindles, like an angel's wings,  
Our western skies in flame!

### FLOGGING THE YOUNG PRINCE OF WALES.

The young prince stood one day in his room in the royal palace at Windsor, at the window, whose panes reached the floor. He had a lesson to learn by heart, but instead was amusing himself by looking out into the garden and playing with his fingers on the window. His governess, Miss Hilliard, an earnest and pious person, observed this, and kindly asked him to think of getting his lesson. The young prince said: "I don't want to." "Then," said Miss Hilliard, "I must put you in the corner." "I won't learn," answered the little fellow resolutely, "and won't stand in the corner, for I am the Prince of Wales." And as he said this, he knocked out one of the window panes with his foot.

At this, Miss Hilliard rose from her seat and said: "Sir, you must learn, or I must put you in the corner." "I won't," said he, knocking out a second pane. The governess then rang, and told the servant who entered to say to Prince Albert, that she requested the presence of His Royal Highness immediately, upon a pressing matter connected with his son. The devoted father came at once, and heard the statement of the whole matter, after which he turned to his little son and said, pointing to an ottoman, "Sit down there and wait till I return." Then Prince Albert went to his room and brought a bible. "Listen now," said he to the Prince of Wales, "to what the holy Apostle Paul says to you and other children in your position." Hereupon he read Galat. iv. 1 and 2: "Now I say, that the heir, as long as he is a child, differeth nothing from a servant, though he be lord of all; but is under tutors and governors until the time appointed of the father."

"It is true," continued Prince Albert, "that you are the Prince of Wales, and if you conduct properly you may become a man of high station, and even after the death of your mother, may become King of England. But now you are a little boy, who must obey his tutors and governors. Besides, I must impress upon you another saying, of the wise Solomon, in Proverbs xiii. 24: 'He that smeth his rod, hateth his son; but he that loveth him chasteneth him betimes.' Hereupon the father took out a rod and gave the heir to the throne of the weightiest empire of Christendom a very palpable switching, and then stood him up in the corner, saying, 'You will stand here and study your lesson till Miss Hilliard gives you leave to come out; and never forget again, that you are under tutors and governors, and that hereafter you will be under a law given by God.'"

It may be proper to add that the youngster who is represented to have received the paternal admonition is but 11 years old.

In the beautiful valley of the Shenandoah, I used to visit a venerable Virginia gentleman of the olden time. His house was the abode of genial hospitality and refined opulence; and surrounded by his children and grand children, I never saw a more perfect picture of domestic happiness.

It was Mr. P.'s custom to call his little grandson to his side, morning and evening, and on his bended knee, and with his little hands clasped and raised to heaven, teach him to utter the simple prayers appropriate to his infancy. One morning, the good old gentleman ventured to instruct him in the Lord's Prayer; he had advanced most successfully as far as the petition, "Give us this day our daily bread," when little Willie looked up, his eye sparkling with animation and delight, and exclaiming: "O! Gamp, put some butter on it!" Even the gravity of my venerable friend yielded to this assault.

Miss Wheeler on Trial.—The trial of Miss Mary Ann Wheeler, for killing M. W. Luce on the street, at Milwaukie, was commenced on Monday last. The trial appears to excite much interest in that city. The Sentinel states the following in relation to her:

Shortly after the opening of the court, the defendant was brought in in custody of Sheriff Pego, and seated by the side of her counsel. She was accompanied by her father, Aaa Wheeler, from Wakarusa, Huron County, Ohio, her uncle, Daniel Miner, from Hartland, Huron County, Ohio, and Miss Lucy M. Wheeler, her younger sister, and Mr. C. C. Canfield, in whose family she had resided for four years, previous to coming to Wisconsin.

The prisoner appears calm and self-possessed. An air of subdued sadness rests upon her features. Her general appearance betokens her to be a woman of strong feelings, and of a firm determined will. Though she may be guilty of the deed charged to her, and though no circumstance should be elicited in the trial which would go far to lessen the enormity of the crime, still we shall adhere to our opinion that she is far from bearing the resemblance of that most degraded personification of vice, a "she devil," or to speak in more refined language, "a fallen angel." If we were to draw in our mind's eye, a picture of a cruel, deliberate, unprovoked, wanton murderess, we would portray a countenance far different from Miss Wheeler's. It is a true saying, however, that looks are often deceitful, and it may be so in this case. The result of the trial will show.

She came to Wisconsin in February, 1849, resided at Ft. Atkinson, in the family of Mr. Joseph Bartholomew, until May of the same year. She then came to Milwaukie, was in the employ of Miss Blanchard, in the dress making and millinery business, where she remained for some time. She afterwards went into the employ of Mrs. Cleveland, on Wisconsin street, and was about starting in the millinery business at No. 196, East Water street, when she committed the act, for which she is now being tried. She is twenty-three years of age, was born in Clarksville, Huron County, Ohio, where she has a number of relatives now residing.

Once upon a certain time a "law suit" was held in the town of Little Valley, Cattaraugus county, in which a strong effort was made to impeach the testimony of one H—S—, whose character was considered rather "scaly." Several witnesses were called by the "party" wishing to exclude H—S—'s testimony, for the purpose of proving that he was not to be believed under oath. Among the rest was one "Bob Davis," a jolly ruffian, and a son of "Emerald Isle." "Bob" was a good, faithful hand, and well "posted up" in all the requirements of his laborious avocation. H—S— had worked with "Bob," and had proved rather an unhandy workman. Mr. Justice Shallow held out the "Testament," "Bob" took the required oath, and the "learned counsel" (Mr. A—, who had since risen to political eminence) began propounding the usual questions. He asked "Bob" if he was acquainted with H—, and received an affirmative reply; "Well, Robert, from your acquaintance with H—, should you say that his general character for truth and veracity is good or bad?" "An," sure, yer Honor, I knows nothin' about his ginnal character for truth and veracity; but he's a miserable cuss at an oar, an' I'd believe no sich a man on his oath!" This reason was not deemed very valid; and as "Bob" could offer none more substantial, he was allowed to stand aside, and make room for the next witness.

A cunning old Dutchman was a member of the Pennsylvania Legislature, some years ago, from — county. On one occasion he promised a lobby member to vote for a certain local measure; but when the measure came up, he voted against it, and it was lost. The lobby member came to him in great wrath, and the following colloquy ensued: "Sir, you promised to vote for my bill." "Well," said the Dutch member, "vat if I did?" "Well, Sir, you voted against it." "Vell, vat if I did?" "Well, Sir, you lied!" "Vell, vat if I did?" was the cool reply.

AVANCE.—This is a damning vice, every where, and in all cases it is ruinous; totally so: A singular proof of this may be found in the late murder case, in our city.

One of the women arrested, was a pure happy-hearted girl in the country. Every body who knew her, loved her. But her father worshipped money; it was his passion, it absorbed every faculty of his soul.

Well, of course a man "said to be rich," came along. He was caught and captivated by the "beautiful girl." He made love to her. She rejected him with scorn! The father interfered; he said to his daughter, "he is rich—you must marry him;" and he compelled her to do it. The girl now lives in a brothel! —Cleeland Plain Dealer.

### COMMUNICATION.

Our Home Club.

A few weeks since there was a society formed for evening conversations, near a little town hard by, where all manner of subjects were agreed to be discussed, and as I was appointed Secretary, with the understanding that I was to publish our doings, I send them to you, hoping that in your valuable paper they will find a place, and if you should discover that we do not quite keep to what is called parliamentary rule, it is simply because our club is the household home, and our speeches made by quiet men, who never made a speech in set terms in their lives. Their Secretary, has generally attended public meetings but as a spectator, and so may be excused; if his notions should often fall behind what men who make such things their study, think required in such places. But we are not to be deterred from a wholesome exercise of mind, because some censorious men may laugh at us, and ask what we have to do with the affairs of the great world, who hold so small a place in it, or rather no place at all. And so, after consulting the members, I have concluded to report, and send you from week to week, such scraps of our doings, as will, I trust, fill a part of your paper, for they tell me editors are sadly bothered what to get to fill up with.

Yours, &c., SIMON MAXWELL.

Wednesday, May 25th, 1853.

MEETING AT THE DEN SCHOOL HOUSE.

Parson Williams was called to the Chair, and Simon Maxwell was agreed on as the Secretary.

Mr. Salisbury proposed to occupy the evening with the discussion of the common habit of folks dwelling on the faults of their neighbors and attending to every body's concerns and mistakes, in preference to their own short-comings.

Mr. Johnson was of opinion that as this is a republican country, it was once in a while necessary to canvass a little the habits and acts of neighbors. It is decidedly useful. You know friends it helps to make a wholesome opinion in neighborhoods. How on earth, Deacon Salisbury, would we get along, do you imagine, with the Clarksons, with their aristocratic airs and big feeling over poor folks, if at times we did not just show our such things as they are, to be very mean and foolish—as you and every body else knows that money don't make the man, and that a narrow-hearted soul with dollars, is not so good as a man who does his duty to his neighbor, and has just what he can get along with. For my part, though I don't say much openly, because it hurts business to be talkative, I'm inclined to believe that very many of our neighbors are held in check from doing bad acts, and even made something like generous, because they are afraid that they may otherwise become unpopular. Now, it's very well that people talk. There's a good deal the newspapers never tell us about the men that want office, that leaks out in the talks about those who are most talked of, and it does them good. It helps in a good many ways. A road is made and a church now and then built by it, that might otherwise want for funds. I believe it's right in a free country.

Mr. Salisbury replied: I have no respect for the prideful worth of mere dollars, more than friend Johnson, and as much as he, dislike all that tends to make a man pass for more than he is really worth—and that sometimes a check may, and ought to be, placed on such feelings and manifestations. I do not deny; but what I proposed to take notice of, was the too common disposition, of rich and poor, to think the hardest thought, and say the worst word, of their neighbors, they can. Now, you know John Wilson very well. —I see he is not here to-night.—I think John takes a drink sometimes, but Job Jackson told me to-day that he never drew a sober breath—and whispered me—all in confidence, that it was no wonder for John was not a very good man after all—though he pretended to be charitable and honest, and all that.—Now, I asked Job how he knew all this, and he could not tell me his informant, but some one, he did not recollect who, told him so, and upon so slight a foundation

he sends a falsehood about a worthy neighbor into the community, to blast and destroy his reputation. But if Jackson's were an only instance, I would not complain, for we all know his falling.—But it is too common among better men. It seems as if a neighbor's praise for any good act hurt them, and they must of course suggest an offset to every good characteristic that is manifested in society. You know that Sarah Longfield joined the church the other day.—Well, a dozen motives, from as many of the members, were suggested, all of them opposing some selfish cause for her doing so, rather than her reasonable love to God, and knowledge of herself as a sinner. She is a widow, and one said she was looking out for a husband; another, that she wanted to get in better society; another, that it was better for widows to belong to the church, it hid their faults; another said she would now get into the sewing circle, and be able to backbite at leisure; another said she wanted an excuse to get to prayer meeting of evenings, and possibly she might be picked up by somebody for her piety, and so on. For my part I heard till I wished that they knew the woman they were talking about, whom I know to be as kind hearted and simple-minded a woman as lives, and one that will be a real ornament to her religious profession. But there is far too little charity among both men and women. They seem to love to pick a flaw in the fair fame of each other; to disparage, and suggest faults which are often covered with real excellencies, and it appears to me as if they could not bear each other's goodness. Speak of a man's ability, his knowledge, or his honesty, and you will be told that his ability consists in mere repetition of other men's ideas—that his knowledge is but the parade of an information on a few subjects, and is superficial, and his honesty will be described as a mere pretence to get some advantage.—If you say of a man that he is a good farmer, instead of its being agreed to cheerfully, it will be apt to be coupled with the charge of miserliness or littleness, or some meanness will lessen the value of the admission. For my part, if men and women would distrust all ill reports of each other, without due proof, and would seek to find a virtue in a neighbor, wherever another hunted out a supposed defect, society would be the better for it.

Mr. Maxwell had his own opinion on these matters. It is natural that men discuss character, and it is seldom done in the spirit that Deacon Salisbury dislikes, unless there is some defect in the person doing it, which makes him carp at others' good traits. For his part, in the long run, he thought society did justice to every one. Each might fail to get it at times, but the world was not unfair, and generally was generous to most men. Still there was occasionally hard words spoken of some, it is true, and in all probability they deserved it.

Mr. Hanson.—The world can never do justice. It is too imperfect to do justice: It is true the few the world honors and fatters think they alone deserve its praises. But the world is seldom truly just except to those who do not oppose it. Look at the office-holders in high places. Are they always the best men in society, or are they those who best know how to feel the popular pulse and respond to its beatings? Look at preachers that are called popular. Are they often the men who speak out boldly against prevalent sins and wrongs? Is the world ever just to its reformers—to those who in morals, politics, or science, are in advance of the common mind? Never. No, no. The world's justice is not to be depended on. We must look to a higher rule of right if we seek to measure actions by a correct standard.

Parson Williams.—Indeed, friends, you are all more or less right. The word of Eternal Truth is the only true standard to guide us. It rebukes pride; it is opposed to backbiting; it does not respect the judgments, nor the great of this world. It has no sympathy with error, and is the unfailing fountain of light, teaching charity, love, and brotherhood to us all. We are all too neglectful of its precepts.

### LAWS OF OHIO.

PUBLISHED BY AUTHORITY.

[No. 13.]

AN ACT defining the jurisdiction and regulating the practice of Probate Courts.

CHAPTER I.

JURISDICTION OF PROBATE COURT.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That there is established in each county of this State, a Probate Court which shall be held at the county seat of each county.

Sec. 2. The probate court shall have exclusive jurisdiction in probate and testamentary matters, except as hereinafter provided.

1. To take the proof of wills, and to admit to record authenticated copies of wills executed, proved and allowed in the courts of any other State, territory, or county.

2. To grant and revoke letters testamentary, and of administration.

3. To direct and control the conduct, and settle the accounts of executors and administrators.

4. To enforce the payment of the debts and legacies of deceased persons, and the distribution of the estates of intestates.

5. To appoint and remove guardians, to direct and control their conduct, and to settle their accounts.

6. To grant marriage licenses, and licenses to ministers of the Gospel to solemnize marriages.

7. To make inquests respecting lunatics, insane persons, idiots, and deaf and dumb persons subject by law to guardianship.

8. To make inquests of the amount of compensation to be made to the owners of real estate, when appropriated by any corporation legally authorized to make such appropriations.

9. In the criminal cases hereinafter specified.

10. To try contests of the election of justices of the peace.

Sec. 3. Probate courts shall have concurrent jurisdiction.

1. In the sale of lands on petition by executors, administrators and guardians, and the assignment of dower in such cases of sale.

2. In the completion of real contracts on petition of executors and administrators.

3. In allowing and issuing writs of habeas corpus, and determining the validity of the caption and detention of the persons brought before them on such writs of habeas corpus.

4. Probate judges shall have power to administer oaths in all cases where oaths are required by law; to take the acknowledgment of deeds, mortgages, and other instruments of writing, required by law to be acknowledged, and to take depositions in all cases where the same are authorized to be taken by the laws of this State.

Sec. 5. The jurisdiction acquired by any probate court over a matter or proceeding, is exclusive of that of any other probate court, except where otherwise provided by law.

CHAPTER II.

ORGANIZATION OF THE COURT.

Sec. 6. Before any probate judge shall enter upon the discharge of the duties of his office, he shall take an oath of affirmation to support the Constitution of the State of Ohio, and that he will faithfully, diligently, and impartially discharge the duties of probate judge to the best of his skill and ability. He shall also give an undertaking to the State of Ohio, with sufficient security to be approved by the board of county commissioners of the proper county; or in the absence of any two of said commissioners from the county, by the auditor and recorder of the proper county, in any sum not less than five thousand dollars, to the effect that he will truly and faithfully pay over all moneys that may by him be received in his official capacity, that he will enter and record all the orders, judgments, and proceedings of said court, and faithfully and impartially discharge and perform all the duties of his said office; which undertaking, with his oath or affirmation endorsed upon the same, shall be lodged with the county treasurer, and such additional or further undertaking may be required by the county commissioners from said probate judge, from time to time, as the state of business in his office may render necessary.

Sec. 7. No probate judge shall practice or be associated with another as a partner in the practice of law in any of the courts of record of this State, or appear as counsel before any justice of the peace or board of arbitrators or referees; but nothing in this section contained shall prevent any probate judge of this State from finishing any business by him commenced prior to the passage of this act, not connected with his official business.

Sec. 8. No probate judge shall act as executor or administrator of any estate, or as guardian for any minor, idiot, or

lunatic; and if he shall be interested as heir, legatee, devisee, or in any other manner, in any estate which may be required to be settled in the county where his residence, all such estates and accounts of guardianship shall be settled by the court of common pleas of such county; but any probate judge who was acting as executor, administrator or guardian, on the 25th day of February, 1852, may continue to discharge the duties thereof, till said trusts can be duly closed and settled.

Sec. 9. The probate court shall have a seal to be provided by the commissioners of the proper county, having the same device as the seals of the court of common pleas; except there shall be engraved around the margin thereof, in addition to the proper county, the words, "Probate Court," instead of the words "Common Pleas." All writs and process issued from said court, shall be under the seal thereof, and shall be dated and signed by the judge issuing the same, and all transcripts issuing from said court under the seal thereof, and signed by the judge thereof, shall be received as evidence of the facts therein contained, in all the courts of the State.

Sec. 10. The judges of said courts shall have the care and custody of all files, papers, books, and records belonging to the probate office, and are hereby authorized and empowered to perform the duties of clerks of their own courts. Every probate judge shall have power to appoint a deputy clerk of clerks, each of whom shall, previously to entering upon the duties of his appointment, take an oath or affirmation, faithfully to perform all his duties as deputy clerk, and when so qualified, said deputy may do and perform any and all the duties pertaining to the office of clerk of said court. Every probate judge may take such security from his deputy, as he may deem necessary to secure the faithful performance of the duties of his appointment.

Sec. 11. The following books shall be kept by the probate court, and the blank books for the purpose, shall be procured by the county auditor, at the expense of the county:

1. A criminal record, in which shall be made a fair accurate entry of all criminal actions instituted in said court, with the proceedings had therein.

2. A civil docket, in which shall be noted the names of parties to all actions and proceedings, and the name of the deceased person, infant, insane person, idiot, or lunatic, in the matter of whose estate the said court shall exercise jurisdiction. It shall also contain a minute of the time of the commencement of such actions and proceedings, and filing the papers relating to any matter in such court, and also a brief note of all orders made in such action, proceeding, or matter, and the time of entering the same.

3. A journal, in which shall be kept minutes of all official business transacted in the probate court, or by the probate judge in all civil actions and proceedings.

4. A record of wills in which shall be recorded all wills proven in such court, with a certificate of the probate thereof, and all wills proven elsewhere, with the certificate of probate, authenticated copies of which have been admitted to record by said court.

5. A final record, which shall contain a complete record in each case or matter of all petitions, answers and demurrers, motions, returns, reports, verdicts, awards, orders and judgments; and which record shall be made up and completed within ninety days after the final order or judgment shall have been made in any of the matters aforesaid; and he shall also, within thirty days after the return of the same, record all inventories, sale bills, and allowances to widows, in a book to be provided for that purpose.

6. A final record of accounts, which shall contain an entry of the appointment of executors, administrators and guardians, and all partial and final accounts of executors, administrators, and guardians, and the orders and proceedings of the courts thereon.

7. An execution docket in which shall be entered a memorandum of all executions issued by the probate judge, both in civil and criminal cases, stating the names of the parties, the name of the person to whom delivered, and his return thereon. It shall also contain the date of issuing the execution, and the amount ordered to be collected, stating the costs separately from the fine or damages, and all payments thereon, and the satisfaction thereof when the same is satisfied.

Sec. 12. To each of said books shall be attached an index, securely bound in the volume, which shall at all times be kept up with the entries therein, and refer to such entries alphabetically, by the names of the parties or person in which it is originally entered, indicating the page of the book where the entry is made.

Sec. 13. The probate judge must keep an office at the county seat, open at all reasonable hours, suitable for the transaction of business, and for the deposit and safe keeping of the public books, records and papers under his