

FRIDAY, OCTOBER 31, 1879.

Under Grant, Republican officials stole \$100,000,000 annually.

Ohio the National vote in 1878 was 38,332; in 1879, 9,129.

Snow fell in Kokomo last Friday morning.

Read the arraignment of Sherman, by Lamar, on first page, then hand it to your neighbor.

The New York World calls it the "Kelly-Kornell-Konkling-Kauchuchet-Kombination." But even after all the artful and will not save it.

Hon. Gilbert De La Maty, National and Democratic member of Congress for the Indianapolis District, is announced to speak in Monteello, Nov. 20th, next, at 2 o'clock, p.m.

Europe has sent about \$55,000,000 in specie to this country within the past nine months to purchase wheat and other products, and John Sherman is trying to make the people believe that his financial policy has done it.

"I can name at least a dozen Republican Senators," says General Butler, "who are either in the Massachusetts State prison now, or have served out their time;" and this is by no means a weak point against the God-and-morality party.

The Winamac Greenback Journal says the Nationals of Ohio, "seeing no chance to elect their own ticket, chose the lesser of two evils, and voted for Foster. Just how the Journal and the Ohio Nationals could regard voting for Foster as the least of two evils we fail to understand."

Gov. Blackburn of Kentucky, has frequently, and most emphatically, denounced those who give currency to the yellow fever slander against him as "a pack of damned liars." He has denied the accusation time and again. But then prejudice must be excited and the mind fired, even if a lie must be resorted to.

The radical papers are erecting the same pyramid of States which occupied conspicuous places in their columns the year before the last presidential election. At that time, however, their pile had more strengthening props, in the shape of handsome majorities, than at present, and yet was crumpled the following year in the campaign for the presidency.

Hayes deemed it necessary to assist in paying off judgments against property of one Cassanova, a low-down sordid colored Louisiana rascallage-board scoundrel. What was it for, if not as high money? And yet we sometimes hear very clever Republicans express the wish that there were more such Frauds. Never before was such spectacle enacted before the American people. No other chief executive—not even Grant—was ever placed in such a position. Cassanova made the demand that his property be saved, and Messrs. Fraud Hayes, John Sherman, and others confess the necessity of meeting the demand by acting upon it.

The Winamac Republican queries: "If Dr. Luke P. Blackburn, of yest' low fever notoriety, could be elected Governor of Kentucky by 41,000 majority, what would have been the majority of J. Wilkes Booth, the murderer of President Lincoln?" etc.

He wouldn't have received a majority at all, as, necessarily, he would have been the radical candidate. The plundering thieves of that party got President Lincoln out of their way by assassination, but failed to get rid of honest and firm old Andrew Johnson, by impeachment. Somebody was killed, represented to be Booth, a big reward was paid, but if our recollection is not at fault the body was not admitted to recognition. was buried with great secrecy, and even Keiser can't swear it was that of Booth.

The committee appointed to investigate Senator Ingalls (spottedly) is meant) election, find him spotless and his election without fraud."

We clip the above from the Brooklyn Reporter, an independent paper with the rankest kind of radical propensities. The fact is, it is announced that the investigation in regard to the methods by which Ingalls procured his re-election to the United States Senate is over. Some of the testimony that has been of the character that the United States Senate can hardly afford to ignore. One of the witnesses, J. K. Hudson testified on the 13th that James F. Legate spoke of the election as "the damndest, most corrupt election ever held in Kansas; that he had him self seen many passed on the floor of the House, and that the election of Ingalls was 10 times more corrupt than that of Caldwell." Certainly no one is better qualified to express an opinion on the subject of Kansas elections than James F. Legate, and the evidence taken during the investigation indicates that there was as much truth as emphasis in his remarks.

The grand jury was convened in the circuit court last Monday and instructed by Judge Hammond as follows:

GENTLEMEN OF THE GRAND JURY: You are convened to ascertain what crimes, if any, have been committed within this jurisdiction, and to return judgments against those who committed them. The duty devolved upon you is an important one, and I doubt not that you will bring to its discharge energy, integrity, firmness and impartiality.

If men at all times strived to live honestly and to harm no one, penal statutes would have no existence. But this is not the case. Human nature is prone to evil, and the wicked passions of many can be restrained only by fear of punishment. The

criminal code, therefore, of necessity, finds a place in the jurisprudence of every civilized government. All history and experience prove that the punishment of criminals is necessary for the protection of life, liberty and property, and for the maintenance of the peace and good order of society. To insure the vigorous enforcement of laws against crime, it is necessary to have a tribunal, or officers, whose special duty it is to make complaints of offenses. This duty to a very considerable extent is devolved upon the grand jury; a tribunal composed of six reputable freeholders of the community having an abiding interest in the peace and prosperity of the community, and selected in a manner well calculated to secure efficiency and impartiality in their official actions. On being empaneled, the court appoints one of the grand jurors as foreman. An oath is then administered to them by the clerk—the same just taken by you—to the effect that they will diligently enquire and true presentment make of all violations of the criminal laws of the state of which the court has jurisdiction; that they will not present anyone through malice, hatred, or ill will, nor leave anyone unpresented through fear, favor or hope thereof, but that they will in all their indictments, present the truth, the whole truth and nothing but the truth; that they will not disclose any evidence given or proceedings had before them. This oath is so admirably worded that it embraces briefly your entire duties. I beg your indulgence while I call your attention to in several parts as a convenient method of discharging the requirement of law which makes it obligatory upon me to instruct you plainly as to your duties.

In the first place, then, your oath requires you to make diligent inquiry and to present indictments for all violations of the criminal laws of the state within the jurisdiction of this court, for you will bear in mind that in all cases in which this court has jurisdiction to try an offense, you have jurisdiction to return an indictment. An explanation, therefore, of the court's jurisdiction, is an explanation of your own jurisdiction. The jurisdiction of the court relates first to the crime, secondly, to the time when, and thirdly, to the place where committed. As to the crime, this court has jurisdiction of all offenses, felonies and misdemeanors, except those misdemeanors that fall exclusively within the jurisdiction of a justice of the peace, being those where the fine may not exceed three dollars. With reference to the time of the commission of an offense as affecting jurisdiction, the statute provides that prosecutions for treason, murder, arson, and manslaughter may be commenced at any time after the commission of the offense. The enormity of these crimes is such that no lapse of time is permitted to screen the offender from punishment. Prosecutions for all other offenses must be commenced within two years after their commission. But it is provided that if any person who has committed an offense is absent from the state, or so conceals himself that process cannot be served upon him, or conceals the fact of the crime, the time of absence or concealment is not to be included in computing the period of limitation.

The jurisdiction of the court is confined to offenses committed within the county. But as there are some apparent exceptions to this rule, it is proper to call attention to them. If a person outside of this state should, by any agent or means, commit an offense in this county, his crime would be within our jurisdiction. So, too, the court would have jurisdiction, if a resident of this county should leave the state to fight a duel, or to be concerned as a second thereon. If an offense is committed partly in one county and partly in another, or if the act or effect constituting or requisite to the commission of an offense, occur in two or more counties, the jurisdiction is in either county. When property, taken in one county by burglary, robbery, larceny or embezzlement, has been brought into another county, the jurisdiction is in either. An accessory before or after the fact, may be punished in the county where he committed the offense, or where the principal offense was committed. If a mortal wound be given or poison administered in one county, and death by means thereof ensue in another, the jurisdiction is in either county.

In this state we have no common law offenses. Crimes with us are all defined by statute and their punishment fixed by statute. Whether any given transgression injuriously affecting the rights of others is a crime against the state, is a matter to be determined by our legislative enactments as the same have been explained by our courts. Crimes are divided into felonies and misdemeanors. Felonies are those offenses for which is death or imprisonment in the state's prison. Misdemeanors are those punishable by a fine alone, or by a fine and confinement in the county jail. Another classification having no reference to those against the person, those against property and those against society.

These offenses will demand your attention. If any within this jurisdiction have been committed, you will be required to make presentment of them by indictment. It is neither your province or mine in our official capacity to determine whether a law is good or bad, or to criticize its enactment. When the supreme legislative power of the state places a law upon the statute books, courts and juries have no discretion but to administer it as they find it. But no apology is necessary for the enforcement of our penal code. It is founded on principles of reformation, and not of vindictive justice. It has been modeled into its present shape by the best legislative and judicial wisdom of ages, and has probably attained perfection as nearly as any work of man. Regard for the public good as well as official obligation requires it humanly firm and vigorous execution. Indictments should be presented only upon the sworn evidence of witnesses. Hearsway evidence should be rejected. All outside influence should be disregarded. The witnesses before testifying must be sworn by your foreman. The evidence of any of your number may be taken after he is sworn the same as another witness. It will be your privilege to have such witnesses brought before you as you may desire. For this purpose, subpoenas will be issued at your request or at the instance of the prosecuting attorney, by the clerk, and served by the sheriff or a bailiff. If a witness refuses to appear before you after being summoned, or after appearing, declines to be sworn or to answer a proper question, the power of this court which is ample, under the law, may be invoked by you to compel obedience. Witnesses in the first instance will be examined by your foreman, after which any of your number may ask questions. After hearing all the evidence

you can obtain or may desire in relation to any particular criminal transaction, you are then to determine whether an indictment should be returned. The concurrence of five of your number is necessary to the return of an indictment. The evidence to warrant the presentation of an indictment, while it need not satisfy you of the guilt of the accused beyond a reasonable doubt, should be sufficient to make it reasonably probable that if returned the indictment will be followed by a conviction. Upon this point care should be exercised by the grand jury. The return of an indictment where the evidence does not make out a reasonable case of guilt, puts a party, very often an innocent man, to great expense and hardship in defending himself, as well as the county to useless expense in the unnecessary time consumed by the court in the trial.

Your first duty after retirement to your room, will be to inquire into the cases, if any, of prisoners in jail charged with crime; next into the cases of those, if any, who are under recognition to answer to any charge you may prefer against them. If in any such case, you should not under the evidence do it proper to return an indictment, the fact should without delay be reported to the court, that the party not to be put upon trial may be discharged from custody or his recognizance.

You are to act with impartiality and only upon evidence, not to be influenced by malice or prejudice, nor by fear, favor or affection. But your duty in this respect need not be specially urged. It is sufficiently suggested by the responsible position to which you are called.

The law places upon your lips the seal of secrecy. You are never, unless required to do so in a judicial proceeding under oath, to divulge any evidence given or proceedings had before you. During your official sitting no one except the witness under examination should be present, unless it be the state's attorney, whose presence for information or advice you may require at any time. The law imposes this secrecy from the fact that the detection of crime often requires it. Witnesses in many cases from various considerations would withhold impartial evidence leading to the discovery of crime, were it not for the guarantees afforded by the law that their testimony will not be revealed. Aside from these considerations, the return of an indictment, if publicly given, would often enable the criminal to escape before arrest. In this connection allow me also to suggest that all intermeddling of outsiders which seeks to discover what you are doing, or which attempts in any way to procure or prevent the return of an indictment, is not only an insult to your integrity, but is exceedingly vicious and criminal, and if any instance of this kind occurs, you should bring it to the attention of the court with the view that the proper punishment may be meted out to the offender. Even the judge of this court has no right to hold any communication with you respecting your duty or doings, except such as is delivered to you publicly from this bench. Advice and counsel from the prosecuting attorney should be made to you when you are officially assembled and not otherwise. The instruction that the court gives you, the official advice of the state's attorney and the sworn testimony of witnesses should be the sole guide to your deliberations.

A bailiff will be assigned to you whose duty it will be to keep your room in proper condition; to call your witnesses as they are wanted; to prevent unauthorized persons from entering your room, and to obey all of your reasonable orders.

Finally, gentlemen, let me urge that the law requires you to perform your duty with diligence. You are not to wait to be informed of the commission of crime, but are once to take active measures to ascertain whether any has been committed. You will inquire of each other as to the commission of crime in your several neighborhoods, and what persons will most likely know of their commission. Those persons you will have summoned before you and examine them under oath.

The vast amount of crime in the land brought to our notice through every source of information, admonishes us that those charged with administering the law cannot be too vigilant in the discharge of their duty. The law should be administered with justice and mercy—mercy which has compassion for the weakness of human nature and which inflicts no cruel or unnecessary punishment, but which does not permit the criminal to go free. Such mercy would be cruelty to the innocent sufferers from crime, and would soon unseat the repose and security of society. I doubt not, gentlemen, that your duties will be discharged in a manner creditable to yourselves and conducive to the public good.

No reserved seats at the lecture course, except for holders of season tickets.

Goodland Correspondence. GOODLAND, IND., Oct. 28, 1879. EDITOR SENTINEL: There being not a great pressure of business on hand just now, we will again endeavor to write you a brief letter concerning the business of this locality. The farmers in this locality are mostly all busily engaged husking and cribbing their corn, which the yell mill is yielding better than they anticipated shortly after the heavy frosts. Owing to the continued warm and dry weather which followed, we have an abundant corn crop, as it is, for which we are truly thankful. Our grain men are bidding up for all kinds of grain still in the hands of farmers, offering all the markets will allow.

The business of our town consists of four dry goods stores, with groceries included; four exclusive grocery stores; one exclusive clothing store; two restaurants; two general hardware stores; two stove and tinware stores; one furniture store; two drug stores, and two licensed saloons. The secret orders are one Masonic and one Odd F. O. F. lodges. There are also five churches, and the denominations found in this country. We have also three distinct political parties here to-wit: the Democratic, Greenback, and Republican, and notwithstanding the people of Ohio appeared to be somewhat excited over their recent election there, our people here seem to be as "cool as cucumbers," and are attending strictly to business, and doing that business on a strict Greenback and Silver basis.

Trusting as ever that the SENTINEL may continue to "live long and prosper," we are truly yours, Y.

Mr. Brown, your season ticket is transferable. That is, you can take Mrs. B. one eve, and the next time you two can remain at home and let John and Mary go. Do you understand?

Doc. Wirt is having a good rush of work.

Go to Starr's Hall and hear Susan B. Anthony, Friday evening, Nov. 7, 1879.

## FATAL ACCIDENT.

A Young Man Killed During a Horse Race at the Fair Grounds

Near this Place.

Last Saturday afternoon two young men from the country thought they would have a little fun to themselves by engaging in a running horse race at the fair grounds. The preliminaries of the race we are unable to give, but the second heat resulted fatally to John C. McCoy, aged about 21 years, son of Mr. and Mrs. B. C. McCoy, who reside some five miles west of this place.

If we are correctly informed the horse which young McCoy rode attempted to fly the track at the entrance to the race-course, and in so doing threw the rider off, striking his head against a fence post, which fractured the skull in one or more places. When he was taken up the blood spurted from his ear, and other injuries led his assistants to believe that he was fatally injured.

The unfortunate young man was carefully removed to the Hopkins House, where every attention was given him, but he was too beyond the reach of medical skill to entertain any hopes of saving his life, and as soon as this announcement was made by Dr. Loughridge, the attending physician, all possible haste was made to summon the dying man's aged parents, to his bed-side. The messenger conveyed to them the first intelligence of the terrible accident that had occurred, and they could not realize that their son could be so near death's door.

The parents arrived at the hotel about ten o'clock at night, only to find their son unconscious and unable to recognize them. An hour later he passed quietly away and his spirit took its flight to the unknown world. The parents and other relatives were overcome with grief at the loss of one whose life was so full of promise and so suddenly destroyed.

Sabbath morning the remains were removed to the family residence, and on Monday the funeral was attended by a large number of relatives and friends. The religious services were conducted by Rev. A. W. Wood, of this place.

An important Legal Question. On the 27th of July, 1865, Mary Pray, who was then the wife of Thomas W. Pray, and the owner in fee simple of one hundred acres of land worth three thousand dollars, joined with her husband in a conveyance of the land by a warranty deed to their son, Leander, and his wife as joint tenants. On the same day the grantees in the deed secured by mortgage, a promissory note to the grantors to maintain them during life, and the grantees also promised in said mortgage, one year after the death of both grantors, to pay to Helen M. Sample, a daughter of the grantors, the sum of seven hundred dollars. The grantees partly performed the contract by caring for their father, who lived only six months, and their mother, who lived eleven years after the date of the mortgage.

On the 29th day of April, 1872, Mary Pray, the surviving mortgagee, in due form released said mortgage of record and in October, 1876, she died. On the 27th day of August, 1872, Leander and wife sold the land to one William H. McDonald and made to him a warranty deed, and McDonald paid the full value thereof.

In the year 1877, and more than a year after the death of Mary Pray, Helen M. Sample, by Mordecai F. Chilcoat, of Rensselaer, and Hon. Charles H. Test, of Indianapolis, her attorneys, filed a complaint against Pray and McDonald to foreclose said mortgage, and the defendants appeared by Hon. R. S. Duggins and S. P. Thompson, their attorneys.

The proof showed that there was no consideration paid by Mrs. Sample, and that the defendant McDonald knew of the mortgage and released during the life of the testator.

The case was tried before Hon. Thomas B. Ward, of the Lafayette Superior Court. The contest was a close and spirited one and involved intricate and interesting questions of law. The Court found as conclusions of law that Mary Pray had the legal right to release said mortgage, and that the release of the mortgage removed all liens from the land, and relieved Leander from the payment of the seven hundred dollars, and found generally for all the defendants.

The agreement in the mortgage, it was contended, was a gift or advancement, but as there was no delivery, the same was adjudged incomplete. The court considered the contract partook of the nature of a bequest and could be and was revoked.

It is well settled as a rule of law that a promise in a mortgage to pay a sum of money at a definite time to a third person can be enforced by the third person. This case would present a fine field for the action of the supreme court, and the plaintiffs have taken proper steps to appeal the case.

## BOOTS &amp; SHOES

IN GREAT QUANTITIES!

I have just opened out the largest lot of

BOOTS and SHOES

EVER KEPT IN RENSSELAER, at the

EXCLUSIVE BOOT &amp; SHOE STORE!

lately occupied by S. BASS. These Goods are all o the best quality, Falley's make, and are warranted. In this stock can be found Shoes for

Big Ladies, Little Ladies, Children &amp; Babies. Boots for Men, Boys and Children

The largest lot of Rubber Goods

In the County, of the CANDEE make. All are warranted

Give us a call, at the EXCLUSIVE BOOT &amp; SHOE STORE, where ELI HEIDELBERGER will be glad to see his many friends, and deal with them on the honor of a man. Call soon, and see your old friend, Eli Heidelberger, Manager.

Rensselaer, Ind. September 12, 1879.

GRAND OPENING SALE!

FALL AND WINTER STOCK!

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READY MADE CLOTHING

I will sell you Suits or parts of Suits, or anything in the clothing line, cheaper than any house in the city.

LOOK AT MY PRICES:

Good Suits from \$3 to \$7.50. Overcoats, \$4 to \$20. Cheap Suits, \$2.50 to \$5. Pants 90c. to \$4. Coats, \$1.50 to \$10. Vests, 50c. to \$1. All other goods in proportion. I have the most complete stock of GENTS' FURNISHING GOODS in the city. My stock of Clothing of my own manufacture is superior to any in the city. These I will guarantee, and will sell very low.

In My Tailoring Department

I have the most complete stock of Cloths in the city, which I will sell at prices that defy competition. In FANCY SUITINGS I can not be excelled. I am prepared to make them up on short notice, and at prices that can not be beat.

EDWARD BROWN.

RUFFING'S BLOCK, WASHINGTON STREET, DEXPHI, INDIANA.

October 10, 1879—3m

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FOR