

FRIDAY MAY 8 1885.

The colored Register of the Treasury, Mr. Bruce, has resigned, in compliance, it is said, with a request.

The Republicans captured the odd member of the Legislature in Illinois Thursday. John A. Logan is not yet elected Senator, however.

A sensation occurred in the Circuit at Vincennes, Monday, by the arraignment of a number of prominent attorneys and wealthy real estate owners upon indictments charging them with renting property to prostitutes.

Peter H. Weber, of New Albany, baggage-master on the L. N. A. & C. R. R., shot by the robber near Harrodsburg last week, is able to go out. His face is still bandaged up. Weber says he would readily recognize the robber should he lay eyes upon him.

We devote considerable space today to the discussion of the subject of Wartner's execution. A very strong showing is made that the proceedings in the trial of the condemned man were possibly not regular. Let the Supreme Court settle the dispute, and that quickly.

Postmaster Palmer, of Chicago, has been removed for "offensive partisanship," and Mr. Judd was appointed. Just now some of these men are hugging close to the red line as a means of saving face, forgetful that many instances of "offensive partisanship" can be readily and truthfully be laid to their charge. Over-zeal may lead to the discovery that they are not "Gods elect" after all.

At Louisville, Monday last, the bullet lodged in Express Messenger Davis's brain was extracted and he regained consciousness. The operation was a very delicate one and its success is highly gratifying. The chances for his life are greatly improved and it is the opinion of the physicians that he will recover.

The corporation election Monday last passed off quietly, and good feeling prevailed throughout. Of course the republican nominees were elected, as was expected, but the varied majorities for the successful candidates—ranging from 9 to 106—show that personal preferences had something to do with the result. Below we give the vote:

Tru tee—Third District.	
E. L. Clark, Rep.	159
M. Eger, Dem.	85
Geo. Havens, Pro.	10
Rep. Plu.	74
Trustee—Fourth District.	
A. W. Cleveland, Rep.	147
Geo. H. Brown, Dem.	101
N. Warner, Pro.	12
Rep. Plu.	46
Trustee—Fifth District.	
T. J. McCoy, Rep.	270
John Chamberlain, Dem.	74
S. A. Henry, Pro.	11
Rep. Plu.	96
Clerk.	
Val. Seib, Rep.	179
J. H. Jensen, Dem.	73
R. P. Benjamin, Pro.	8
Rep. Plu.	106
Treasurer.	
T. J. Farden, Rep.	173
Ludd Hopkins, Dem.	78
Berry Paris, Pro.	9
Rep. Plu.	95
Marshal.	
J. Q. Alter, Rep.	130
Chas. Latt, Ind.	121
Holdridge Clark, Pro.	5

THE WARTNER AFFAIR.
(Concluded.)

prevents the assessment of his punishment except at the "discretion of the jury."—Sec. 1904 R. S. 1881.

The constitution guarantees a trial by jury to determine the law and facts.—Art. 1, secs. 58 and 64. The statute authorizes the accused to waive a jury, however, "except in capital cases."—Sec. 1821, acts of 1881.

A capital sentence is reasonable, just and constitutional, but the death penalty must be carried into effect in strict accordance with law and pursuant to a prima facie valid judgment of a court, or the execution would be murder. A court, in a capital case, has two branches.—The Judge may receive and record a plea of guilty, but can not proceed with the trial farther without having the opinion of a sworn jury as to whether the accused shall suffer life imprisonment or death.—Moore's cr. law, sec. 837; 2 Bish. cr. law, sec. 630: Rice vs. State, 7 Ind. 332.

In capital cases a judge ought to hesitate in accepting a plea of guilty, and as the accused has no power to choose a tribunal, and as the law names the jury, the judge must conform to the law as to jurisdiction and place no reliance on defendant's consent.—Griffith vs. State, 36 Ind. 406.

In no way can a judge be clothed with a power to punish against a statutory direction.—1 Bish. cr. pro. sec. 893.

In all except 'capital cases' a jury can be waived, which, in effect, states that in capital cases a jury can not be waived.

The right of trial by jury is immutably interlined in the constitution and statute, as applied to Wartner's case.

The paramount law embodied in the words, "in the discretion of a jury in capital cases" cannot be altered by anything that can be done by the Judge, Pros. Att'y, or accused.—People vs. McKay 18 Johns 219.

Wartner can stand in the Supreme Court upon all his rights not waived by his own acts, within his power to act. No possible act, word, or waiver on the part of court, attorneys, or Wartner could enact any new law enlarging the ultimate scope of Judge Ward's authority in the case.

In this case a trial included all proceedings in court after the plea. The Judge, as a branch of the court, could accept a plea of "guilty," when, if he had doubts whether the punishment should be capital, he ought to have called the other branch of the court to his aid in solving that judicial problem. The jury should inform the judge whether the punishment should be capital.

I am of the opinion that there are plausible reasons for reversing the proceedings back to the plea of "guilty" on account of being void and insufficient to authorize the Sheriff to take Wartner's life.

If my Bro. Babcock secures the opinion of the Supreme Court directly on the question he will deserve the plaudit of being a faithful servant to his client and the law. I am not employed by Wartner, nor any one in his behalf, but as a lawyer, believing as I do, that no man, however clear his guilt may appear, should be hung without a trial by a proper tribunal, I am willing to assist Mr. Babcock in having the case reviewed by the Governor and Supreme Court, and after consultation with the Attorney General, whom I believe to possess a degree of integrity and learning sufficient to seek the right result, I have filed a short paper to-day calling the attention of the Court to a few authorities on the point.

I believe in a liberty sanctioned by law, administered on the plane of uniformity and equality.

Wartner ought to be punished legally, and should be a victim of a void judgment as a citizen. I cannot feel any satisfaction at his death.

The Supreme Court is the tribunal to construe the statute and decide whether Judge Ward pursued the proper course.

S. P. THOMPSON.

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TO THE PUBLIC.
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Cornelius R. Parsons
(Mayor of Rochester for Mayor.)

RURAL HOME CO., Limited, ROCHESTER, N.Y.

sumption, will sell it on a positive guarantee. It will surely cure any and every affection of Throat, Lungs and Chest, and to show our confidence, we invite you to call and get a Trial Bottle, Free

1-30

Application for License to Retail Intoxicating Liquors.

NOTICE is hereby given to all the citizens of the Town of Fair Oaks, and Union Township, in Jasper County, Indiana, that I, the undersigned, Michael F. Johnson, a male, inhabitant of the County of Jasper, and State of Indiana, over the age of twenty-one years, a man of good moral character, and not in the habit of becoming intoxicated, and in every respect a fit and proper person to be intrusted with the sale of intoxicating liquors, will make application to the Board of Commissioners of said Jasper County, in said State of Indiana, at the next regular session and meeting of said Board of Commissioners to be held in the Town of Rensselaer, commencing on Monday, the 1st day of June, A. D. 1885, for a License to sell Spirituous Liquors, Vinous Liquors, Malt Liquors, and all Intoxicating Liquors which may be used as a beverage, in less quantities than a quart at a time, with the privilege of allowing and permitting said Liquors to be drank on the premises where sold, and precisely located and described as follows: A one-story frame building, and the ground on which said building is located is described by metes and bounds as follows: Beginning at a point one thousand four hundred and sixty (1460) feet and three (3) inches north, and one hundred and thirty-two (132) feet west of the south-east corner of Section six (6), Township thirty (30) north Range seven (7) west, in Jasper County, Indiana, and running thence west twenty-four (24) feet, thence south sixteen (16) feet, thence east twenty-four (24) feet, thence north sixteen (16) feet to the point of beginning. Said License will be asked for the period of one year.

MICHAEL F. JOHNSON.
James W. Douthitt, Att'y for Petitioner.
May 8, 1885.

Notice to Non-Resident.
State of Indiana, Jasper County, ss:
In the Circuit Court, June Term, A. D. 1885.
Ellen Baker
vs.
Ernest Baker.

Complaint No. —.

NOW comes the plaintiff by James W. Douthitt, her Attorney, and files her complaint herein, to a divorce, to wit: that her affidavit that she does not know the residence of the defendant, and a disinterested party files an affidavit that the said defendant Ernest Baker is not a resident of the State of Indiana.

Notice is therefore hereby given said defendant, that unless she appear on the first day of the next Term of the Jasper Circuit Court, to be holden on the first Monday of June, A. D. 1885, at the Court House, in Rensselaer, in said County and State, and answer or demur to said complaint, the same will be heard and determined in her absence.

Witness, my name and seal of said Court, affixed at Rensselaer, this 31st day of March, A. D. 1885.

JAMES F. IRWIN, Clerk.
April 3, 1885.—\$6.

Notice of Ditch Assessment and Contract for CONSTRUCTION.

State of Indiana, Jasper County, ss:
In the Jasper Circuit Court, No. 49.
William H. Myers, Ex parte.

NOTICE is hereby given to all concerned that in the above entitled cause the Jasper Circuit Court, on the 21st day of January, A. D. 1885, entered judgment for the petitioner establishing the work prayed for, approving the assessments for benefits, and direct the undersigned James T. Randle, Commissioner of Drainage, to make and construct the proposed work. See Order Book Number 11, page 328 to 328.

I now give notice to all concerned and especially to William H. Myers, James H. Turpie and William Turpie, Levanche Morrison, Levanche Henry, John W. Duvall, John Humes, Theodore Henley, John W. Duvall, John Humes, Sarah A. Burns, William J. Durant, William Michaels, William McGinnis's heirs, John W. Cavender, Nancy J. Burget, Eliza Miller, Francis M. Lakin, Union Township, Jasper County, Indiana, and Barkley township, Jasper County, Indiana, all named in said judgment as liable to pay assessments for that purpose, and I will proceed to have said work constructed, and will, at the residence of William H. Myers, on the 35th day of May, A. D. 1885, commencing at 10 o'clock A. M., proceed to let the construction of the Ditch described in said order, according to specifications in my possession and open to inspection, to the lowest and best bidder, commencing at the month of said Ditch. The above parties are further notified that the assessments for benefits made for the construction of said Ditch, and adjudged by said Court, I have ratably assessed to be paid in installments based on the contract price of construction costs, and expenses incurred and necessary to be incurred, and payable at my office, in Rensselaer, Indiana, as follows:

Twenty per cent. May 25th, 1885.
Twenty per cent. June 25th, 1885.
Twenty per cent. July 27th, 1885.
Twenty per cent. August 27th, 1885.
Twenty per cent. September 28th, 1885.

JAMES T. RANDLE,
Commissioner in Charge.
James W. Douthitt, Att'y for Petitioner.
April 24, 1885.—\$6.

Notice to Non-Residents.

State of Indiana, Jasper County, ss:
Samuel Hemphill, Emma J. Hemphill and John B. Hemphill are hereby notified that Felix Lester and Henry A. Porter have filed their complaint in the Jasper Circuit Court to have the true boundaries of certain land in said county determined, in which land said defendants claim an interest, and that said cause will come to the lowest and best bidder, commencing at the month of said Ditch. The above parties are further notified that the assessments for benefits made for the construction of said Ditch, and adjudged by said Court, I have ratably assessed to be paid in installments based on the contract price of construction costs, and expenses incurred and necessary to be incurred, and payable at my office, in Rensselaer, Indiana, and commencing Monday, June 1st, 1885.

Witness my hand and the seal of said Court this 24th day of March, 1885.

JAMES F. IRWIN, Clerk.
of the Jasper Circuit Court.

Notice to Non-Residents.

State of Indiana, Jasper County, ss:
In the Circuit Court, June Term, 1885.
William F. Johnson
vs.
Harvey A. Gilbert, and — Gilbert, wife of Harvey A. Gilbert.

Complaint No. 3256.

NOW comes the plaintiff, by William F. Johnson, his Attorney, and files his complaint herein, together with an affidavit that said defendant Harvey A. Gilbert and — Gilbert, wife of Harvey A. Gilbert, are not residents of the State of Indiana. And comes also the Defendant John A. Makeever by Mordecai F. Chilcote, his attorney, and files his cross-complaint herein against the plaintiff and all of his co-defendants, with an affidavit that his co-defendants Harvey A. Gilbert, and — Gilbert, wife of Harvey A. Gilbert, are not residents of the State of Indiana.

Notice is therefore hereby given said Defendants, that unless they be and appear on the first day of the next Term of the Circuit Court, to be holden on the first Monday of June, A. D. 1885, at the Court House in Rensselaer, in said County, and State, and answer or demur to said complaint, as well as the cross-complaint of defendant John Makeever, the same will be heard and determined in their absence.

Witness my name and the Seal of said Court affixed at Rensselaer this 30th day of March, A. D. 1885.

JAMES F. IRWIN, Clerk.
Mordecai F. Chilcote, Att'y for defendant John Makeever.
April 3, 1885.—\$11 25

April 10.

A "NEW DEAL"

BY

Deere & Company

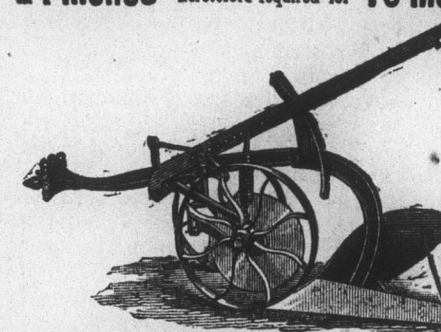
MOLINE, ILLINOIS.

Two Horses can do the work of Three.

A SAVING OF ONE-THIRD

IN THE COST OF PLOWING.

24 inches Turned with same power heretofore required for 16 inches



The greatest plow improvement of the times,

THE "NEW DEAL" WHEELED

WALKING PLOWS,

SINGLE AND DOUBLE FURROW.

THE "NEW DEAL" is lighter in draft and more easily handled than a hand plow, and cuts a more uniform furrow.

THE "NEW DEAL" is lighter in draft, lighter in weight, and lighter in price than a sulky plow, and will do all its work.

THE "NEW DEAL" Gang cuts 24 inches with the draft of a 16 inch hand plow—a saving of 50 per cent. in labor. Does all the work of a four-horse riding gang with one less horse and little more than half the cost.

THE "NEW DEAL" Plows are ALL STEEL, insuring greatest strength with lightest weight.

This is no untried and rickety experiment, and these claims are not made recklessly to attract attention. This system is the outgrowth of careful observation and experiment reaching over a period of years, with a rational view of the requirements of the times.

They are superior to any plows ever offered, and the most economical plows ever placed in the market. Send for circular.

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In addition to the above plow advertisement, we wish the farming community to understand that they can get repairing of all kinds, both iron and wood work, done at our place, in good style, in first-class, workmanlike manner, and only the best of materials used. Work as cheap as the cheapest, and warranted to give satisfaction or money refunded.

Yours, Respectfully,

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Rensselaer, May 11, 1885. tf.

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The Greatest Medical Triumph of the Age!

SYMPTOMS OF A

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Loss of appetite, Bowels constive, Pain in

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Irritability of temper, Low spirits, with

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Weariness, Dizziness, Fluctuating at the

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over the right eye, Restlessness, with

stifled dreams, Highly colored urine, and

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TUTT'S PILLS are especially adapted

to such cases, one dose effects such a

change of feeling as to astonish the sufferer.

They increase the Appetite, and cause the

body to take on flesh, thus the system is

nourished, and by their Tonic Action on

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GRAY HAIR or WHISKERS changed to a

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