

The Evening Gazette

HUDSON & ROSE, Proprietors.
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Office: North Fifth St., near Main.

The DAILY GAZETTE is published every afternoon, except Sunday, and sold by the carriers at the rate of one cent per copy. The WEEKLY GAZETTE is published every Thursday, and contains all the news of the week. The GAZETTE is the largest paper printed in Terre Haute, and is sold for one cent per copy, per year, \$2.00; three copies, per year, \$5.00; five copies, per year, \$8.00; ten copies, per year, \$15.00; one copy, six months \$1.00; one copy, three months 50c. All subscriptions must be paid for in advance. The paper will, invariably, be discontinued at expiration of time.

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FOR GOVERNOR IN 1872,
Washington C. De Pauw,
OF FLOYD COUNTY.

MONDAY, JANUARY 8, 1872.

The Humston vs. McGregor Case.

We said in a previous article that Judge Pettit came to this city to try two cases—Humston vs. McGregor and Lockridge vs. Hudson. In the first case the plaintiff had nothing to lose if defeated, and in the second place the plaintiff got something for nothing, if successful. The Humston case was first called for trial, and it soon became apparent the plaintiff had no sufficient cause of action. The parties to the suit were sworn and testified, and the court adjourned for dinner. On re-assembling the plaintiff's attorneys attempted to break, thus early in the action, the panel of jurors by filing affidavits against some of them. Those affidavits were answered by counter ones, and the Judge held there was no sufficient reason for calling other jurors to the box. The attorneys for the plaintiff then dismissed their case, with the avowed determination of commencing it again.

Thus this case, which has created so much gossip, which was commenced against one of our oldest, most respected, most honorable and wealthiest citizens had no bottom to it, and at the very first lick made at it by the defendant, fell into disjointed fragments. The question then suggests itself, why was such a case ever brought into our courts? This question may be somewhat difficult to answer, but there are some circumstances connected with its beginning and prosecution, which, to say the least, look suspicious. This suit was commenced some eighteen months or two years ago, but before the papers were filed one of the attorneys in the case addressed a note to Mr. McGregor to call at his office as he desired to see him on important business. Mr. McG. did so, and was then informed that a case for breach of marriage contract would be brought against him, but could yet be compromised and settled. This lawyer, one of the firm who commenced the suit, at that time asserted that he could not then fix the amount they would take to compromise, but would let the defendant know what it would be in a short time. In a few days afterward Mr. McGregor called again, and was informed by this same lawyer that on the payment of \$5,000 no suit would be commenced. The proposition was indignantly refused, but a promise secured that no action would be commenced, and no notice given to the matter until Mr. McGregor was seen again. Before Mr. McG. had an opportunity of seeing this same lawyer again the papers were filed in the Clerk's office and service had on him.

We simply give the above facts to show the process by which this vexatious and unfortunate suit was commenced. We here ask, why was this large sum of \$5,000 demanded in satisfaction of a contemplated suit, which when brought on for trial before a competent court and an unprejudiced and unpacked jury, was shown to have not one particle of merit in it, and was dismissed by the plaintiff's attorneys, even before the evidence on part of the defense, was once quarter exhausted? The question can only be satisfactorily answered on one of the following hypotheses: 1. The firm bringing this suit did not understand the law governing such cases. 2. They did not understand the facts on their side of the case, sufficient to make out a cause in law. 3. If they did understand the law, and were familiar with all the facts on their side of the case, then they hoped to succeed by deceiving the Judge as to what the law is, or packing a jury in their favor, or deceiving it as to the facts, that their client would, let the law and facts be as they might, with almost a positive certainty, receive a verdict. Or, lastly, by extorting from one of our oldest, most respected and honorable fellow-citizens, a large amount of money as a consideration that the matter would be hushed up.

We can imagine for this firm, no other excuse for advising the plaintiff to commence such an unfortunate suit, but one of the four mentioned above. A suit belonging to a class which certainly can add nothing to the character of any women, but is calculated to do her much injury, and always of the most perplexing and unpleasant character to the defendant. A suit which ought never to be brought, except where there has been evident intention on part of the man to damage, or in some way injure the fair fame of the woman. In this case, there is even no pretence of such a thing. Not the remotest effort to prove the defendant ever, in the least way possible, by word, act or deed injured the reputation of the plaintiff. Then why this action, and why this demand of \$5,000 for its settlement, which, when brought before an able Judge and honest jury, did not stand up long enough to be knocked over by its adversary, but fell lifeless, and went out of court by the action of its own friends.

This very attorney who wrote this note to Mr. McGregor, who endeavored to extort this \$5,000 from him on a compromise; who also agreed the suit should not be commenced until the defendant was seen in relation to it, but before that did commence it, has, on other occasions and in reference to other suits, made his boasts on our streets that certain parties

had been defeated in their causes, and were not aware of the "trick by which it was done." Are the rights of our citizens settled in our courts by the "tricks" of the pettifogging lawyers? Has it come to this, that the mere legal trickster, one "when a client comes to him for counsel, shows him a trick," can succeed in our courts against the merit, the facts and the law in the case? We are painfully impressed with the opinion that the period has really arrived in the history of our jurisprudence when such things can and have been done.

We write this article not willingly, but as a journalist we feel it our duty to do so. If the press of the country remains silent, and permits such practicing lawyers to obtain power and influence in our courts of law and justice, with what hope can the citizen expect to have his rights protected, and the title to his property secured? When the fountains of the law are obscured by the overshadowing influence of corrupt men, who dexterously practice their arts of legal juggle to a successful termination, is it possible that right and justice backed and supported by the law of the land, can be with certainty secured to any person who unfortunately is driven into our courts? No greater misfortune can befall a country or a people. A citizen's reputation, which, perhaps, has taken a lifetime to secure, in the hands of such attorneys is as the smoke on the still air, to be blown away forever, at pleasure. Unaccustomed to the rules and practices of courts, the honest litigant is at once circumvented; falls without knowing it into the trap set for him; is judicially robbed of his rights; thrown out of court; harassed with large bills of costs, and always remains in confessed ignorance of the "trick by which it was done."

We shall in a few days continue this subject further, and as the other case for which Judge Pettit was called here to try, presents points of peculiar interest, we shall review some circumstances connected with it, and show what these two "put up" cases have now, and in all probability will cost the treasury of this country.

The death of James Fisk, a full account of which will be found in our dispatches, is the subject of much comment on our streets and everywhere else. That he was a most remarkable man, all concede. He was the full-fledged, perfectly developed embodiment of Young America. In him the young rasicals had grown to manhood, and defied the rest of mankind. When he asserted he thought of changing the name of the city of New York to that of *Fiskville*, he only gave an inkling of what he was willing to undertake. But "Jim. Fisk, Jr." alive, and James Fisk dead, are two different persons. If he had faults, let them be buried with them. That he had great qualities no one can dispute. While we think perhaps his life has been of no good to the world, the manner of his "taking off" was most cowardly and inexcusable.

We understand from Attorney General Hanna that the cases of the State against Kimball and McCarty, which seems now to be out of court by demurrer, will at once be taken to the Supreme Court of the State, and he has great faith the superior court will so reverse the opinion of the court below, that those men will yet be put on their trial before a jury of the country, and that in a very short time too. The people want a fair, honest and impartial trial of these men.

The two communications on our table in relation to the Southwestern Railroad, will appear in our columns as soon as we can possibly find room for them.

The Census—1870.

The entire population of the United States is 38,113,254, according to the census of 1870. In 1860 the population was 35,550,028, there being a gain of 20,89 per cent. The different States in the Union have gained for representative purposes as follows:

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| Alabama, | from 790,140 to 998,992, a gain of 25.17 per cent. |
| Arkansas, | from 301,004 to 453,471, a gain of 50.30 per cent. |
| California, | from 362,196 to 560,246, a gain of 55.08 per cent. |
| Connecticut, | from 560,147 to 557,454, a gain of 15.80 per cent. |
| Delaware, | from 111,496 to 125,023, a gain of 12.13 per cent. |
| Florida, | from 115,726 to 187,748, a gain of 62.28 per cent. |
| Georgia, | from 827,406 to 1,185,100, a gain of 35.73 per cent. |
| Illinois, | from 1,711,951 to 2,539,894, a gain of 48.38 per cent. |
| Indiana, | from 1,350,498 to 1,68,637, a gain of 24.14 per cent. |
| Iowa, | from 677,913 to 1,191,192, a gain of 76.28 per cent. |
| Kansas, | from 106,206 to 464,399, a gain of 239.91 per cent. |
| Kentucky, | from 1,065,490 to 1,321,011, a gain of 23.98 per cent. |
| Louisiana, | from 575,311 to 726,915, a gain of 26.35 per cent. |
| Maine, | from 625,279 to 626,915, a loss of 0.26 per cent. |
| Maryland, | from 562,173 to 780,804, a gain of 17.74 per cent. |
| Massachusetts, | from 1,231,096 to 1,457,351, a gain of 18.38 per cent. |
| Michigan, | from 749,113 to 1,183,095, a gain of 58.00 per cent. |
| Minnesota, | from 172,023 to 439,096, a gain of 155.61 per cent. |
| Mississippi, | from 616,532 to 827,932, a gain of 32.76 per cent. |
| Missouri, | from 1,136,039 to 1,721,295, a gain of 51.52 per cent. |
| Nebraska, | 122,093, admitted since 1860. |
| Nevada, | 42,401, admitted since 1860. |
| New Hampshire, | from 323,073 to 318,300, a loss of 1.28 per cent. |
| New Jersey, | from 672,000 to 905,096, a gain of 34.83 per cent. |
| New York, | from 2,880,735 to 4,382,759, a gain of 12.94 per cent. |
| North Carolina, | from 860,197 to 1,071,361, a gain of 24.55 per cent. |
| Ohio, | from 2,339,511 to 2,665,290, a gain of 13.95 per cent. |
| Oregon, | from 59,465 to 90,922, a gain of 73.30 per cent. |
| Pennsylvania, | from 2,906,215 to 3,521,501, a gain of 73.30 per cent. |
| Rhode Island, | from 175,020 to 217,353, a gain of 24.17 per cent. |
| South Carolina, | from 542,745 to 705,006, a gain of 30.01 per cent. |
| Tennessee, | from 999,513 to 1,258,520, a gain of 25.91 per cent. |
| Texas, | from 631,188 to 818,579, a gain of 64.10 per cent. |
| Vermont, | from 315,098 to 530,551, a gain of 24.90 per cent. |
| Virginia, | from 1,365,972 to 1,227,163, a loss of 12.49 per cent. |
| West Virginia, | 442,014, organized since 1860. |
| Wisconsin, | from 775,831 to 1,064,670, a gain of 35.93 per cent. |

It must be borne in mind that the rapid gain in some of the recent slave States is on account of emancipation—all classes being now represented instead of but three-fifths of the former slaves added to the free population. The actual gain of numbers has been small in most of the former slave States, while Virginia has

actually lost, not only in representative, but in actual population. This is accounted for by the organization of West Virginia. New Hampshire and Maine show losses, while Vermont exhibits the smallest increase. Kansas makes the largest gain, Minnesota the second largest and Iowa the third.

The Fort Wayne *Gazette*, in a sensible and well considered article, makes an excellent suggestion in regard to the selection of delegates to the State Republican Convention. It urges county conventions to take pains to select men of probity and intelligence, who have no political axes to grind, but who will be most likely to act with strict regard to the good of the party and its success in 1872.

To those who are Bowed Down by Nervous Debility, and despair of ever recovering the vigor and men of manhood we earnestly recommend Dr. Walker's California Vinegar Bitters. Before they have finished the first bottle, they will feel the restorative principle at work in every portion of their broken-down systems and hope will spring up in their hearts. No case of Dyspepsia, Biliousness, Intermittent Fever, Rheumatism, Gout or Kidney disease, can resist this unequalled vegetable tonic which is unpolluted by any distilled or fermented liquor. 8d4w

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They have there opened a New Stock of

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MEDICAL.

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PILE REMEDY.

WARNER'S Pile Remedy has never failed (not even in one case) to cure the worst cases of Piles, itching or bleeding Piles, those who are afflicted should immediately call on the druggist and get it, for it will, without the disfigurement, instantly afford complete relief, and a few following applications are only required to effect a permanent cure without any trouble or inconvenience.

Warner's Pile Remedy is expressly for the Piles, and is not recommended to cure any other disease. It has cured cases of over thirty years standing. Price \$1.00. For sale by druggists everywhere.

NO MORE

WEAK NERVES.

Warner's Dyspepsia Tonic is prepared exclusively for Dyspepsia, indigestion, and weak nerves with habitual constipation. There are very few who have not employed physicians for years to remedy what this preparation will do in a few weeks, by strengthening the nerves, enriching the circulation, restoring digestion, giving strength mentally and physically, enabling those who may have been in a state of prostration, to resume their occupations in all their vigor and health. It is a safe and reliable remedy, and is the most healing and restorative of the generative organs and digestion to a normal and healthy state. Weak, nervous and dyspeptic persons should use Warner's Dyspepsia Tonic. For sale by druggists. Price \$1.00.

COUGH NO MORE.

Warner's Cough Balsam is healing, softening and expectorating. The extraordinary power it possesses in its remedial action, and eventually curing the most obstinate cases of Coughs, Colds, Sore Throat, Bronchitis, Influenza, Hoarseness, Asthma and Consumption, is almost incredible. So prompt is the relief and so small its effects, that it is the most valuable of the throat and lungs, that thousands of physicians are daily prescribing for it, and one and all say that it is the most healing and restorative of the generative organs and digestion to a normal and healthy state. Weak, nervous and dyspeptic persons should use Warner's Cough Balsam. For sale by druggists. Price \$1.00.

WINE OF LIFE.

The Great Blood Purifier and Delicious Drink—Warner's Vinum Vitae, or Wine of Life, is free from any poisonous drugs or impurities being prepared for those who require a stimulant, and a splendid appetizer, and a tonic, and the most perfect of the blood purifying blood, and the most pleasant and palatable of all beverages ever offered to the public, far superior to brandy, whisky, wine, bitters, or any other article. It is a healthy and strengthening tonic, and a tonic, and the most perfect of the blood purifying blood, and the most pleasant and palatable of all beverages ever offered to the public, far superior to brandy, whisky, wine, bitters, or any other article. It is a healthy and strengthening tonic, and a tonic, and the most perfect of the blood purifying blood, and the most pleasant and palatable of all beverages ever offered to the public, far superior to brandy, whisky, wine, bitters, or any other article. 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