SENATOR KELLOGG'S CASE.

REASONS WHY SOME DEMOCRATS WISH ITS DISCUSSION DELAYED.

His Seat Being a Fruit of the Electoral Commission Frauds, a Discussion of the Matter would Likely Strengthen Mr. Tilden's Cause

WASHINGTON, April 13.—The refusal of certain Democratic Senators to consider the Kellogg-Spofford case at this time has created bitterly hostile feelings between the opposing factions. In the caucuses held last week a half dozen leading Democratic Senators expressed themselves as of the opinion that Kellogg's case was *res adjudicata*. Senator Hill, who prepared the report of the Committee on Privileges and Elections recommending the unseating of Kellogg, made a short, incisive speech, which no one attempted to answer, showing conclusively that the case was not *res adjudicata*. He said that the Constitution made the Senate the judge of the election returns and qualifications of its own members. The States elect the Legislatures thereof; the Legislatures choose the Senators. The Senate had the power to determine whether a Senator was legally chosen or not. A Senator, to be qualified to hold a seat in the Senate, must be chosen by the Legislature of his State. The body of men which elected Kellogg to the Senate was not the Legislature of Louisiana. It was not recognized as such by the authorities at Washington; therefore its proceedings were void and worthless, and the Senate by its action in admitting Kellogg could not confirm the acts of the fraudulent Legislature. The Senate had no jurisdiction over the Legislature which was chosen by the State; consequently the claim that Kellogg's title is settled was untenable. Mr. Hill reinforced his argument, of which the skeleton alone is here given, in such a convincing manner that Senators who had not given the subject careful study were compelled to admit the force of his assertions. The speeches made by certain Senators in caucus caused many of their associates intense surprise. So manifest was the intention of these Senators to prevent discussion of the case at all hazards, and so unguarded was their language in debate, that many things heretofore surmised were made plain to the listeners.

That the Electoral Commission was a creation for which Republicans alone were not responsible has long been known. It has not been generally believed, however, that the Democratic Senators who had a hand in the organization of that commission were laboring for selfish purposes, even though their acts should result in the overthrow of the Democratic party. The events of the last week have convinced many Senators that such was indeed the fact. When Mr. Tilden was nominated, certain other Presidential candidates in the Democratic party regarded him as the most dangerous rival to their ambitious schemes. His record in New York as the enemy of rings and an earnest, intelligent reformer guaranteed that his election to the Presidency would be followed by the purification of the public service. He would cause such a thorough cleaning of the Executive departments of the Government that no Ring politicians would have secured his election for a second term. Those aspiring politicians could not break a delay of eight years in the gratification of their ambition, and they conceived the deliberate purpose of defeating Mr. Tilden, preferring four years of Republican rule to eight years of Tilden. The Electoral Commission served their end. For three years past the Republican press has vilified Mr. Tilden to the extent of its power. Democrats, misled by certain party leaders, have joined in the hue and cry. But this candidate in 1876 has not yet been destroyed, and the Presidential aspirants who defeated him then dread his reappearance in strength at the Chicago Convention.

William Pitt Kellogg more than any other man promoted, managed, and successfully carried out the conspiracy by which the electoral vote of Louisiana was fraudulently given for Hayes. The testimony taken by the Committee on Privileges and Elections in the investigation of Kellogg's title to his seat, reveals most clearly the full extent of the Returning Board frauds. Corroborative proofs of the facts relating to the conspiracy heretofore alleged are furnished by the evidence taken in the Kellogg case. The discussion of this case at the present time would attract the attention of the country again to the great frauds of 1876. The benefit of this discussion would inure to Mr. Tilden. Hence it is that certain Democratic Senators who have Presidential aspirations, and others who are secretly dark horses for the nomination for Vice-President, do not wish the Kellogg case considered at the present time. "I have learned that all is not gold that glitters," said one Democratic Senator to-night. "The Senate which transpired in our caucuses last week have changed my estimate of certain of our Senators immensely. I was shocked to learn the motives which seem to be controlling certain members of the Democratic party in the Senate."

This reason for the peculiar action of a few Senators is entertained by a large number of their associates, who do not hesitate privately to express their indignation. There is still another reason, however, for the refusal of these Senators, who do not fall within the pale of Presidential candidates, to consider the Kellogg case. Strong intimations of a bargain, whereby Mr. Kellogg and Mr. Butler were seated at the same time, have been given out by certain Republican Senators. The word "understanding" is delicately used where the bargain is discussed. By the Republican votes of Patterson and Conover Gen. Butler was seated. Mr. Kellogg was sworn in first, and did not vote against Mr. Butler according to the terms of the "understanding" previously agreed upon. It is said, even upon the authority of Senators, that Mr. Butler, and Mr. Hampton would be placed in a quandary if they should be called upon to vote upon Kellogg's case. Should they vote against him, it is possible that some Republican Senator might charge Mr. Butler at least with bad faith. Should they vote to keep him in his seat, it is barely possible that the party in South Carolina would be compelled to admit that it had been duped. None of the gentlemen who oppose unseating Kellogg care a fig for him. They cannot defend his title. They do not wish the case considered, they say, for "political reasons." Their excuse is that it would, at this time, injure the party. Their course has been such as to cause their associates to regard their actions as inspired by personal instead of political reasons. The Senators who oppose consideration of the Kellogg case now are Messrs. Bayard, Thurman, Randolph, Wallace, Lamar, Hampton, Butler, Garland, and Gordon. Unless another caucus is held, and the action of the last one reversed, the Chairman of the Committee on Privileges and Elections will call up the Kellogg case within the next three weeks, when the question of consideration will finally be determined.

Court Calendars This Day.

SUPREME COURT—CHAMBERS.—Day calendar.—Nos. 29, 84, 86, 148, 235, 294, 296, 308, 309, 324, 325, 329, 333, 341, 345, 351 Special Term.—Nos. 146, 324, 267, 367, 548, 585, 588, 593, 603, 615, 619, 621, 623, 624, 625, 626, 594, 564, 311. Part I—Adjourned until Monday next. Part II—Case on, No. 1836. Part III—Case on, No. 1610.

SUPREME COURT—SPECIAL TERM.—Nos. 31, 42, 51, Demurrer, No. 577. Part II—Nos. 280, 293, 534, 621, 622, 623, 624, 625, 123, 127, 431, 609, 355, 101, 405, 595, 597, 599, 601, 603, 605, 607, 609, 611, 613, 615, 617, 717, 730, 739, 741, 675, 745, 747, 749, 751, 753, 755, 757, 759, 761, 763, 765, 767, 769, 771, 773, 775, 777, 779, 781, 783, 785, 787, 789, 791, 793, 795, 797, 799, 801, 803, 805, 807, 809, 811, 813, 815, 817, 819, 821, 823,