

Electing United States Senators—The Law.

The daily voting at Albany for United States senators has called attention to a singular feature of the act of Congress providing for the election of such senators. The Federal Constitution provides that the United States senators shall be elected by the "Legislatures" of the several States. The act of Congress in question was of course intended to carry out this provision of the Constitution. But if it provides that such election shall be made by some body other than a Legislature, it is unconstitutional. The New York Herald, according to the loose notions of constitutional construction which prevail in the northern section of the Union, winds up its article as follows:

"We raise these as questions of general and timely interest rather than as having any immediate practical bearing on the contest now going on in Albany. For even if the election by joint Assembly be contrary to the Federal Constitution, the Senate is not likely to be elected by a senator regularly elected by such Assembly."

The Herald only followed other journals. It did not "raise" the question at all. But that is not important. Its supposition, however, that an election "contrary to the Federal Constitution" would nevertheless be ratified by the United States Senate, is its own, and is, too, a poor compliment to that body. Let the question be raised in the Senate, and that body would refuse to seat any person thus elected—that is, of course, if its judgment should be that the Senate is not what it used to be; but it is still a body that would for the reason given unanimously reject a claimant.

The Herald further says: "The majority of the two bodies together is very different from a majority of each. The majority of a joint session cannot pass a bill or perform an act of the Legislature. Can it elect a senator? Can a senator be lawfully elected by the Assembly alone without the concurrence of the Senate? Would this be a violation of the Constitution? And yet this may be a result of the present plan. The Senate is composed of thirty-two and the Assembly of one hundred and twenty-eight members, making a total of one hundred and sixty, of which eighty-one are a majority. The act of Congress in electing by the majority of the joint assembly shall elect. Now this majority, even when the Senate is present and voting in full force, may be made up entirely of assemblymen without a single senator. And when this happens a Federal senator is chosen by one branch of the Legislature. No one will claim that Congress has any constitutional power to pass a law expressly and openly vesting in the Assembly alone the right of choosing senators, thereby depriving the Senate of its voice in the matter. Is it any less unconstitutional to work the same result by indirect means?"

The Herald misses the point. From the foundation of the Government until now, it has always been held—as it must necessarily be held if senators are to be elected at all when the two houses are controlled by different parties—that a majority of the votes of the two houses of the Legislature is all that is necessary to an election, so there be a joint vote, and there be voting a majority of the members of each House. It does not matter that the majority received by the successful candidate be made up altogether of members of one house. All that is requisite is that it be a majority of the votes cast by the two houses, and, as we have said, that a majority of each house be present and voting. If this were not so, a Democratic Senate trying a Republican House of Delegates might forever prevent the election of a United States senator. If the two houses of the New York Legislature assemble together, and cast a joint vote, and Mr. CONKLING receives eighty-one votes, all cast by the lower house, he will have been constitutionally elected United States senator. But each house must contain a quorum of its own members. In other words, the body electing must be a legislature; and there cannot be a legislature if either house lacks even one vote of a quorum.

We conclude, therefore, that the act of Congress is not unconstitutional in that it provides that the person shall be "declared duly elected" "who receives a majority of all the votes of the joint assembly." But we think there can be no doubt that the said act is unconstitutional in that it provides that such election may be made if there be present and voting "a majority of all the members elected to both houses." There ought to be, and must be, "present and voting" a majority of all the members elected to each house; but if so may be "present and voting," then a majority of all the members elected to both houses is sufficient to render an election valid.

We have no doubt that this was the construction put upon the act of Congress by its framers. For it is plain that if there be present and voting a majority of all the members elected to each house, there must necessarily be present and voting a majority of all the members elected to both houses. The word "both" was seen and known to be right so far as the election of a senator was concerned provided a majority of each house was present and voting, and was, therefore, the most natural thing in the world that the same word "both" should have been again employed when Congress undertook to describe the body capable of electing a United States senator. Generally, though not always, too, it will be found hereafter that it has been found heretofore, that when a majority of both houses is present a majority of each house is present, and so that the election is a valid one.

Ohio. The Democratic State Convention of Ohio on Wednesday last nominated for Governor JOHN W. BOOKWALTER; for Lieutenant-Governor, EDGAR M. JOHNSON, of Cincinnati; Supreme Judge, E. F. BINGHAM, of Franklin; State Treasurer, A. F. WINSLOW, of Cleveland; Attorney-General, FRANK C. DORRIS, of Highland; Commissioner of Public Works, JOHN CROWE, of Delaware.

Mr. BOOKWALTER is, we think, a warm advocate of a protective tariff, being himself a manufacturer. The resolution on this subject adopted by the Convention which nominated him is a study. It reads as follows:

"The tariff should be for revenue, levied and adjusted in its details with a view to equity in the public burdens, and the encouragement of productive industries, without creating monopolies; and we favor the appointment of a commission to suggest a method of revision which shall accomplish this result."

Governor FOSTER is Mr. BOOKWALTER'S opponent. The race will be a well-contested one.

The platform touches upon several local questions—such as prohibition, the contract system in prisons, &c.; and declares for a free and pure ballot, for civil-service reform, &c., &c. Not a word has it to say about currency questions.

The Waste of Water.

During the hottest day of this week about four millions of gallons of water were pumped by the city engines. This is at present the maximum capacity of the works, and in view of such a state of affairs, the more leakages that are cut off and the more wastage that is stopped the better. The Water Committee should be on the lookout for all these things, and should check them the moment they are brought to their notice. One way in which a very considerable quantity of water is wasted is by the constantly-running water-closets which are so frequent in Richmond. During the summer months these affairs are kept running pretty much all the time, by day and by night. It costs five dollars to have one of them, and, in exchange for that sum, the city gives away an enormous quantity of water. The average discharge of most of them is at least twelve gallons a minute. This discharge of an hour, of course, amounts to 720 gallons, or, of 15,280 gallons daily—200 more than 200 running water-closets there must be 200 or thereabouts; so it will be seen that the wastage from this source is in the aggregate very large. They run by night, if it be possible were instructed to attend this, the wastage would be stopped to a considerable extent, and if the proprietors of the premises were pushed up a little, and fines were imposed upon them for allowing water to run steadily, they might be a little more heedful to the interests of other water-consumers. When the works are approaching so near their maximum capacity every expedient should be resorted to to prevent loss.

The above article, *mutatis mutandis*, we take from the Chicago Tribune. It reads as if even that great city were having its troubles about water. One water-closet wastes 15,280 gallons daily—200 more than 2,000,000 gallons daily. Of course the figures given above may not all suit Richmond. The "four millions" we get from Mr. DAVIS.

It is cheerful to be told that Mr. Book-walter is a high protective-tariff person. He is as sound on that as a Pennsylvania. Cincinnati Commercial.

Soon Mr. JEFFERSON'S celebrated saying must be read, "We are all protectionists; we are all free-traders."

We have the June No. of The Southern Historical Society Papers. Rev. J. WILLIAM JONES, D. D., Richmond, editor. It seems to be an interesting No.

AS MIGHT HAVE BEEN EXPECTED.—The author of The Problem of Human Life has begun the publication of a new weekly.

The State Caucus. MECKLENBURG COUNTY, Va., July 12, 1881. Editors Dispatch: It is not my habit to intermeddle in public affairs, and I feel that it is less appropriate to feel that it may more appropriately said is already upon us—which justifies the humblest citizen of the Commonwealth in raising a warning voice, and asking that his views as to the mode of escaping threatened danger may at least be respectfully considered for the execution of my own, believing that they are entertained in common with a very large majority of the Democratic party of my own section. It has already been announced by the gubernatorial nominee of the Readjuster party that he will be carried over to the coming State election. In other words, the issue is to be made up whether the white man or the black man shall administer the government of the State. If it is determined in favor of the latter, those who have been elected to the State will have been elected in violation of the State which has been and is now necessarily dominated by the black man. That the issue is a doubtful one, to say the least, every candid mind must admit. Both the Readjuster and Radical parties are marshaling their forces for the contest. That there is to be an offensive and defensive line on the great mass of both of these parties for the purposes of this contest, must be evident to all. Can this alliance be successfully resisted by the regular Democratic organization? Can our threatened party be averted, and the government of Virginia preserved to its interests by the descendants of its illustrious founders? These things may be accomplished. Not, however, I desire to say most emphatically, under a flag with the faintest suspicion of Federalism attaching to it, or by any prominent leader of the Democratic State ticket, and, most of all, not by one who, in the State canvass of 1873, took part in the denunciation of the Readjuster party as thieves and robbers. A portion of the white voters of Virginia, respectable in character and sufficient in numbers to turn the tide of battle, will rally around no such flag and support no such man, and if we go into the contest with the one or the other, nothing but defeat—disastrous defeat—awaits us. It would be superfluous to depict the long train of evils which must follow to us, both political and social, if we can only hope to achieve success, and we had as well look this fact squarely in the face now, by winning back from the Readjuster party, in part at least, the men who went off from the regular Democratic organization in the disastrous canvass of 1873. This we can only do by a complete surrender of the question and by putting at the head of the Conservative State ticket some man who has not made himself especially obnoxious to that portion of the Democratic party composing for the most part the Readjuster party. The agitation of the debt question as a political issue has brought Virginia to the verge of ruin. In the interest of peace, harmony, and good government, it must be eliminated from our State politics. Its further discussion as a political question seems to me, with due deference to the opinions of others, to be a waste of time and money. Please then at the head of the State ticket some man of moderate views, pledged to sign any bill which may be passed by the representatives of the State debt, leaving further questions, if any there be, to the citizens of the State to decide. Do this, and many of the Conservative Readjusters will return to the old Democratic fold, and strengthened by this union, the Democratic party will again carry its standard to victory, and triumphantly proclaim the supremacy of the white man over every foot of Virginia soil. Desiring to sell under no false colors I will say frankly that I have never acted either with the Funder or Readjuster party, believing that I saw the end from the beginning. Regarding the strife between the two wings of the party as unpolitical and socially destructive, and of the highest and best interests, both political and social, I have taken no part in the bitter contest between them beyond the support of the regular Hancock and English ticket in the presidential election.

The great object which I have had steadily in view, was, and is, now, and ever, in my humble judgment, far transcending in importance all other considerations, is the union of the white people of Virginia for that which is sacred to our race. I have never known, and do not now know, of any sufficient reason for the disruption of the Democratic party upon the debt question, and I think God that I have had no part in it. With a heart full of foreboding for my State, and especially for my own peculiarly unfortunate section, I would say with the earnestness begotten of impending danger, "May God save the Commonwealth."

The distinguished gentleman who sends the foregoing says in it that he acted with neither the Funder nor the Readjusters in 1879. We allow him to be heard as one whose opinions are entitled to respect. Of course, we cannot endorse his proposition to ostracize all the Funders of 1879 if indeed that is what he proposes.

The Fall of Richmond and the Surrender of General Lee. LYCHBURG, June 30, 1881. Editors of the Dispatch: In a recently-published interview with Senator Hill, of Georgia, in regard to certain statements in Mr. Davis's book, the following passage occurs:

"Mr. Hill, after referring to the fact that he was one of the committee of the Confederate Congress charged with investigating the progress of the war, before which committee General Lee was examined, proceeds as follows: 'After General Lee had explained the situation at Richmond I put the question directly to him, "Will the fall of Richmond end the war?" "The old war raised himself in the chair, and with a great deal of feeling said: "By no means, sir." In a military point of view I would be stronger after than before such an event, because it would enable me to make my own plan of campaign and battle. Ever since the conflict began I have been obliged to permit the enemy to make my plans for me, because I am compelled to defend the capital. When Richmond falls I shall be able to make them for myself.'"

"This emphatic statement shaped the report of the committee in favor of continuing the war, and on that point conclusively that Lee never thought of surrender until he found that he could not get his army out and was obliged to."

Doubtless, Messrs. Editors, the reply of General Lee is correctly reported by the Georgia Senator, and doubtless the point conclusively that Lee never thought of surrender until he found that he could not get his army out and was obliged to."

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JAMES CITY COUNTY.

(Correspondence of the Richmond Dispatch.) BENT GARDNER, July 12, 1881. On Monday the 11th day of July (that being court-day) a meeting was held in Williamsburg to elect delegates to the Conservative Democratic Convention to be held in Richmond the 4th of August for the purpose of nominating candidates for Governor, Lieutenant-Governor, and Attorney-General of Virginia.

On motion, Captain E. M. Ware and S. S. Edwards were elected delegates, with W. W. Farthing and E. T. Martin as alternates. It was resolved that the names of the Hon. John Goode be recommended to the Convention as the choice of this meeting as candidate for Governor of Virginia, and that Tidewater regiments claim they are entitled to a candidate from this section.

It was further resolved that Yorktown be recommended as the place, and the 12th of August the time, for holding the District Convention to nominate candidates for Governor, Lieutenant-Governor, and Attorney-General in the next Legislature of Virginia.

Whereupon W. B. Wynne was elected delegate, with W. B. Vaiden as alternate, to the Yorktown Convention. On motion, it was resolved that the proceedings of this meeting be sent to the Richmond Dispatch, and Norfolk Landmark for publication.

E. M. WARE, Chairman. W. B. VAIDEN, Secretary.

BUCKINGHAM COUNTY.

BUCKINGHAM COURTHOUSE, July 11, 1881. A large meeting of the Democratic Conservative party of this county was held at the Courthouse on the 11th inst. at 10 o'clock, A. M. The meeting was presided over by Thomas W. Trent, who was elected secretary.

On motion, the following gentlemen were elected to represent this county in the State Convention on the 4th of August: George W. Patton, county superintendent, president; Thomas W. Trent was made secretary.

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WASHINGTON AS A DIVORCE MARKET.

Divorces were granted by the wholesale in Washington, Wednesday. Judge F. H. Buckley granted a divorce to William Buckley from Caroline M. Buckley, on the ground of improper intimacy with G. W. Beck, formerly a clerk in the Pension Office; also, to H. Pierce from Elizabeth S. Pierce, on the ground of desertion. A divorce was granted Sarah E. Young from Edward L. Young, with custody of their child; cause, ill treatment. Amelia Ann Morris was also granted a divorce from Lemuel Morris. The parties were married in Prince George's county, Md., in 1872, and removed to Washington. The charges proven were desertion and non-support.

The Philadelphia Bulletin says: Judge Jerry Black has come forward as the champion of Christianity against the assaults made upon it by Ingersoll; and the Judge on Monday night, July 11, 1881, at the Court House, in a very severe manner, made a speech in which he said, "No objection can be made, of course, to the Judge's indulgence in this pastime; although we may, perhaps, incline to believe that Ingersoll's ribald talk is thus given more importance than it is fairly entitled to. Ingersoll is about as likely to hurt Christianity with his stump speeches as he is to scare the comet."

The Wilmington Star says: We regret very much to hear that General Alfred M. Seelye is in very poor health—so much so that his physicians have advised him to take no active part in the pending canvass. In a letter to the editor of the Star, however, General Seelye authorizes the statement that he is opposed to the prohibition bill.

The Allentown (Penn.) Register says: "A Jefferson-county man, named Godfrey Reitz, had a stroke of apoplexy some days ago, and, to all appearances, died. While preparations were being made for the obsequies, however, he rose up and asked to be buried in the cemetery. His friends willingly complied with the request."

The Lynchburg Advance says: Now that the water is very low in the new reservoir, would it not be well to turn it off and clean the basin out. The long, green grass, mud, a large number of frogs, dead and alive, presents an unsightly spectacle, and it is much remarked upon by visitors to the grounds.

The snowy owl captured Saturday last by James Lavelle South, of Baltimore, is claimed by Susan A. McGregor, of Fauquier county, Va., who says it escaped from her last week. She passed through Washington yesterday on her way to Baltimore, where she expects to find Mr. Smith and her owl.

Squire William McMillin, of Philadelphia, made a narrow escape from drowning at Atlantic City, N. J., while bathing yesterday. He was blown off his feet by a wave, and he was rescued by a life-guard. He was unconscious when he landed in the boat, but recovered consciousness with medical aid.

In excavating a cellar under a cottage in the auditorium at Chataqua, N. Y., yesterday, the skeletons of ten persons were found in a small space, giving the impression of a hasty burial probably after a battle. The bodies are supposed to be those of Indians or Frenchmen.

A three-car monte man, accompanying a circus, snatched a thousand dollars from a man in Carbondale on Tuesday and boarded a train for Scranton. The telegrapher ticked the news too fast for him, and when he reached Scranton he was arrested and sent back for a hearing.

The decapitations commenced by the wholesale in the Pension-Office Wednesday, 106 official heads were taken off. The act of decapitation fell in other bureaus of the Interior Department to-day.

IT NEVER RAINS BUT POURS.—So it would seem from what Mr. James R. Young, of Owatonna, Minn., recently wrote us. Mr. Young says: "My wife was afflicted with a very severe cold in July, and three children similarly troubled. St. Jacobs Oil was used, and a complete cure was the result. Can recommend it to all afflicted."

DEATHS. Died, at the residence of her husband, in Swanton, near New York, Mrs. MARY A. BOWEN, wife of Richard A. Bowen, in the thirtieth year of her age. Her funeral will take place at Swanton, Vermont, this (Friday) AFTERNOON, at 2 o'clock. Friends and relatives of the family are respectfully invited to attend.

Died, at the residence of her son, William Wall, 101 South Third Street, P. M. July 11, 1881, Mrs. JOHANNNA WALL, in the twenty-eighth year of her age. Her funeral will take place from St. Peter's Cathedral, FRIDAY MORNING, at 9 o'clock. Friends and acquaintances respectfully invited to attend.

Died, at his residence, No. 26 West Leigh street, at 7:40 o'clock on the 14th instant, THEO. NOLTE, in the thirty-ninth year of his age. His funeral will take place from his late residence, FRIDAY MORNING, at 10 o'clock. Friends of his family are requested to attend further notice.

Died, at his residence, Mount Airy, in Hancock county, Va., July 11th, 1881, at 10 o'clock, A. M., JOHN H. HAYNEY, JR., in the thirty-ninth year of his age. His funeral will take place from his late residence, FRIDAY MORNING, at 10 o'clock. Friends of his family are requested to attend further notice.

Died, at his residence, at Ashland, Ky., on Tuesday night, July 12, 1881, at 10 o'clock, JOHN H. HAYNEY, JR., in the thirty-ninth year of his age. His funeral will take place from his late residence, FRIDAY MORNING, at 10 o'clock. Friends of his family are requested to attend further notice.

MEMBERS OF RICHMOND LODGE, No. 219 K. of C., of this city, are requested to attend a regular meeting of their lodge on THIS (FRIDAY) EVENING, July 15, 1881, at 8 o'clock. Attendance is requested. WALTER M. SUTTON, Reporter. Jy 15-18

MYRTLE LODGE, No. 25 K. of C., of P. A. Lodge, is requested to attend a regular meeting of their lodge on THIS (FRIDAY) EVENING, July 15, 1881, at 8 o'clock. Attendance is requested. WALTER M. SUTTON, Reporter. Jy 15-18

Rev. F. M. Todd, of Manassas, states that after returning from the post-office on Saturday night, the 9th instant, about 9 o'clock, he was waylaid by three men and brutally pounded and bitten on the ear and cheek by one of them, J. J. Davies, editor of the Manassas Gazette, who hit Elwood Todd with a stone for a similar offense. J. J. Davies's first act was to garrote Mr. Todd, then to pound and bite and attempt to beat his head against the pavement. The occurrence took place near the Presbyterian church, on the pavement adjoining a vacant lot. The other two men who stood near by, ready to help, were the constable and a constable's helper. Mr. Todd when it came, were Buck Lipscomb and William Lipscomb. Davies and Buck Lipscomb have been Mr. Todd's most malicious and violent enemies. Mr. Todd says he had obtained proof of their villainy and had notified the constable, but the attack was made in the fact, hence the attack.—Washington Post.

A Destructive Storm.

West Point and vicinity was visited on Thursday night last by one of the most severe storms of rain and thunder and lightning ever known. That night will long be remembered by those who were about the place. The storm was about 7 o'clock and the last storm of the night. The loss is very heavy. The machinery was rendered entirely worthless, and at this writing material about the mill is still burning. Beside the mill about 10,000 feet of lumber was burned.—West-Point Star.

MEETING OF OFFICERS.—The officers of the Second Virginia volunteer regiment will meet in this place on Friday and Saturday next, the 15th and 16th of July, to determine what is necessary to be done to perfect the organization of the regiment, and to make the necessary arrangements for attending the Yorktown Centennial celebration in October next. A full meeting of the officers of the regiment is expected.—Harrisonburg Commonwealth.

Mr. Gorman's paper says: The fifty-cent paragraph in the New York Tribune, which was appended to the article on the subject of convalescing from delirium-tremens, has been re-appeared in a rather more aggravated form. It also says: If Mr. Gorman's friendship for Mr. Conkling and the Salwairs is a disqualification for office, it will never be removed.

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