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THE SUPREME COURT

KENTUCKY ELECTION FRAUDS

DECISION OF THE CHIEF JUSTICE

CONGRESS HAS NOT PROVIDED LAW FOR THE PUNISHMENT OF FRAUDS

BEISE AND TOUSHEE RECEIVE JUDGMENT

THE LOUISIANA QUESTION DECIDED

IS RECONSTRUCTION A FAILURE!

ARE THE RESULTS OF THE WAR LOST?

POWER OF THE NATIONAL GOVERNMENT

IT WILL NOT PROTECT ITS CITIZENS

The Right of Franchise Yet Fettered

The Kentucky Case.

The United States, plaintiffs, vs. Hiram Reese and Matthew Pendleton. In error to the Circuit Court of the United States for the District of Kentucky. Mr. Chief Justice Waite delivered the opinion of the court.

This case comes here by reason of a division of opinion between the judges of the Circuit Court in the District of Kentucky. It presents an indictment containing four counts, under sections 5 and 4 of the act of May 31, 1870, (16 Stat., 140,) against two of the inspectors of a municipal election in the State of Kentucky, for refusing to receive and count at such election the vote of William Garner, a citizen of the United States of African descent. All the questions presented by the certificate of division arose upon general demurrers to the several counts of the indictment.

In this court the United States abandon the first and third counts, and expressly waive the consideration of all claims not arising out of the enforcement of the fifteenth amendment of the Constitution.

After this concession the principal question left for consideration is, whether the act under which the indictment is founded can be made effective for the punishment of inspectors of elections who refuse to receive and count the votes of citizens of the United States, having all the qualifications of voters, because of their race, color or previous condition of servitude.

If Congress has not declared an act done within a State to be a crime against the United States the courts have no power to treat it as such.—U. S. vs. Hudson, 7 Cranch, 32.) It is not claimed that there is any statute which can reach this case, unless it be the one in question.

Looking, then, to this statute, we find that its first section provides that all citizens of the United States, who are or shall be otherwise qualified by law

TO VOTE AT ANY ELECTION,

&c., shall be entitled and allowed to vote thereat, without distinction of race, color or previous condition of servitude, any constitution, &c., of the State to the contrary notwithstanding. This simply declares a right without prov ding a punishment for its violation.

The second section provides for the punishment of any officer charged with the duty of furnishing to citizens an opportunity to perform any act which by the constitution of any State is made a prerequisite or qualification of voting who shall omit to give all citizens of the United States the same and equal opportunity to perform such prerequisite, or who shall hinder, on account of the race, color or previous condition of servitude of the applicant. This does not apply to or include the inspectors of election, whose only duty it is to receive and count the votes of citizens designated by law as voters, who have already become qualified to vote at the election.

The third section is to the effect that whenever, by or under the constitution or laws of any State, &c., any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done, shall entitle him, if it fail to be carried into execution by reason of the wrongful act or omission "aforesaid" of the person or officer charged with the duty of receiving or permitting such person to offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person

SO OFFERING AND FAILING AS AFORESAID,

and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election, whose duty it is to receive, count, &c., or give effect to the vote of any such citizen, who shall wrongfully refuse or omit to receive, count, &c., the vote of such citizen, upon the presentation by him of his affidavit stating such offer, and the time and place thereof, and the name of the person or officer whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay, &c.

The fourth section provides for the punishment of any person who shall by force, bribery, threats, intimidation or other unlawful means hinder, delay, &c., or shall combine with others to hinder, delay, prevent or obstruct any citizen from doing any act required to be done to qualify him to vote or from voting at any election.

The second count in the indictment is based upon the fourth section of this act, and the fourth upon the third section.

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.

The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the States or the United States, however, from giving preference in this particular to one citizen of the United States on account of his race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guaranty against this discrimination. Now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."

This leads us to inquire whether the act under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections

RESTS UPON THIS AMENDMENT.

The effect of article 1, section 4, of the Constitution is to protect to electors for Senators and Representatives is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful act which may prevent the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color or previous condition of servitude that Congress can interfere and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.

The third section does not in express terms limit the offense of an inspector of elections, for which the punishment is provided, to a wrongful discrimination on account of race, &c. This is conceded, but it is argued, that when this section is construed with those which precede it, and to which, as it is claimed, it refers, it is so limited.

The argument is that the only wrongful act on the part of the officer whose duty it is to receive or permit the requisite qualification, which can dispense with actual qualification under the State laws, and substitute the prescribed affidavit therefor, is that mentioned and prohibited in section 2, to wit, discrimination on account of race, &c., and that consequently section 3 is confined in its operation to the same wrongful discrimination.

This is a penal statute and must be construed strictly; not so strictly, indeed, as to defeat the clear intention of Congress, but the words employed must be understood in the sense they were obviously used. (United States vs. Wiltberger, 5 Wheat., 95.) If, taking the whole statute together, it is apparent that it was not the intention of Congress thus to limit the operation of the act, we cannot give it that effect.

The statute contemplates a most important change in the election laws. Previous to its adoption the States, as a general rule, regulated in their own way all the details of all elections. They prescribed the qualifications of voters and the manner in which those offering to vote at an election should make known their qualifications to the officers in charge. This act interferes with this practice, and prescribes rules not provided by the laws of the States. It substitutes, under certain circumstances, performance wrongfully prevented for performance itself. If the elector makes and presents his affidavit in the form and at the effect prescribed, the inspectors are to treat this as the equivalent of the specified requirement of the State law.

THIS IS A RADICAL CHANGE

in the practice, and the statute which creates it should be explicit in its terms. Nothing should be left to construction in such a subject. The law ought not to be in such a condition that the elector may act upon one idea of its meaning and the inspector upon another.

The elector, under the provisions of the statute, is only required to state in his affidavit that he has been wrongfully prevented by the officer from qualifying. There are no words of limitation in this part of the section. In a case like this, if an affidavit is in the language of the statute, it ought to be sufficient both for the voter and the inspector. Laws which prohibit the doing of things and provide a punishment for their violation should have no double meaning. A citizen should not unnecessarily be placed where, by an honest error in the construction of a penal statute, he may be subjected to a prosecution for a false oath, and an inspector of elections should not be put in jeopardy because he, with equal honesty, entertains an opposite opinion.

If this statute limits the wrongful act which will justify the affidavit to discrimination on account of race, &c., then a citizen who makes an affidavit that he has been wrongfully prevented by the officer, which is true in the ordinary sense of that term, subjects himself to indictment and trial, if not to conviction, because it is not true that he has been prevented by such a wrongful act as the statute contemplated; and if there is no such limitation, but any wrongful act of exclusion will justify the affidavit and give the right to vote without the actual performance of the prerequisite, then the inspector who rejects the vote because he reads the law in its limited sense and thinks it is confined to

A WRONGFUL DISCRIMINATION ON ACCOUNT OF RACE, ETC.,

subjects himself to prosecution, if not to punishment, because he has misconstrued the law. Penal statutes ought not to be expressed in language so uncertain. If the Legislature undertakes to define, by statute, a new offense and provide for its punishment, it should express its will in language that need not deceive the common mind. Every man should be able to know with certainty when he is committing a crime.

But when we go beyond the third section and read the fourth we find there no words of limitation, or reference even, that can be construed as manifesting any intention to confine its provisions to the terms of the fifteenth amendment. That section has for its object the punishment of all persons who, by force, bribery, &c., hinder, delay, &c., any person from qualifying or voting. In view of all these facts we feel compelled to say that in our opinion the language of the third and fourth sections does not confine their operation to unlawful discriminations on account of race, &c. If Congress had the power to provide generally for the punishment of those who unlawfully interfere to prevent the exercise of the elective franchise without regard to such discrimination, the language of these sections would be broad enough for that purpose.

It remains for us to consider whether a statute, so general as this in its provisions, can be made available for the punishment of those who may be guilty of unlawful discrimination against citizens of the United States, while exercising the elective franchise, on account of their race, &c.

There is no attempt in the sections now under consideration to provide specifically for such an offense. If the act can be upheld at all, it is because it comes under the general prohibition against any wrongful act or unlawful obstruction in this particular. We are, therefore, directly called upon to decide whether a penal statute enacted by Congress, with its limited powers, which provides in general language broad enough

TO COVER WRONGFUL ACTS

without as well as within the constitutional jurisdiction, can be limited by judicial construction so as to make it operate only on that which Congress may rightfully prohibit and punish. For this purpose we must take these sections of the statute as they are.

We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out of the section the words that are in the section, but by inserting those that are not now there. Each of the sections must stand as a whole or fall altogether. The language is plain. There is no room for construction. It must be as to the effect of the Constitution. The question, then, to be determined is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only.

It would certainly be dangerous if the Legislature could set a net large enough to catch all possible offenders, and then leave it to the courts inside and say who could be rightfully detained and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the Government. The courts enforce the legislative will, when ascertained, if within the constitutional grant of power. Within its legitimate sphere Congress is supreme and beyond the control of the courts, but if it steps outside of its constitutional limitations, and attempts that which is beyond its reach, the courts are authorized to, and when called upon in due course of legal proceedings, must, annul its encroachments upon the reserved power of the States and the people.

To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one. This is no part of our duty.

We must therefore decide that Congress has not as yet provided by "appropriate legislation" for the punishment of the offense charged in the indictment, and that the Circuit Court properly sustained the demurrers and gave judgment for the defendants.

This makes it unnecessary to answer any of the other questions certified. Since the law which gives the presiding judge the casting vote in cases of division, and authorizes a judgment in accordance with his opinion, (Rev. Stat., sec. 650,) if we find that the judgment as rendered is correct, we need not do more than affirm. If, however, we reverse, all questions certified, which may be material to the final determination of the case according to the opinion we express, should be answered.

The judgment of the Circuit Court is affirmed.

Dissenting, Mr. Justice Bradley. Mr. Justice Clifford dissented from the opinion, but concurred in the judgment.

Decision in the Louisiana Case.

United States, plaintiffs in error, vs. William J. Cruikshank, William D. Irwin and John P. Hadnot. In error to the Circuit Court of the United States for the District of Louisiana.

Mr. Chief Justice Waite delivered the opinion of the court.

This case comes here with a certificate by the judges of the Circuit Court for the District of Louisiana that they differed in opinion upon a question which occurred at the hearing. It presents for our consideration an indictment containing sixteen counts, divided into two series of eight counts each, under section 6 of the enforcement act of May 31, 1870. That section is as follows:

"That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten or intimidate any citizen, with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court—the fine not to exceed five thousand dollars, and the imprisonment not to exceed ten years—and shall, moreover, be thereafter ineligible to, and disabled from holding, any office or place of honor, profit or trust created by the Constitution or laws of the United States."—(16 Stat., 141.)

The question certified arose upon a motion in arrest of judgment after a verdict of guilty generally upon the whole sixteen counts, and is stated to be whether "the said sixteen counts of said indictment are severally good and sufficient in law, and whether they charge a crime against the indictable under the laws of the United States."

The general charge in the first eight counts is that of "banding," and in the second eight that of "conspiring." The object in both is, to injure, oppress, threaten and intimidate Levi Nelson and Alexander Tillman, citizens of the United States of African descent and persons of color, with the intent thereby to prevent and hinder them in their free exercise and enjoyment of rights and privileges "granted and secured" to them "in common with all other good citizens of the United States by the Constitution and laws of the United States."

The offences provided for by the statute in question do not consist in the mere "banding" or "conspiring" of two or more persons, with the intent in their banding or conspiring with the intent or for any of the purposes specified. To bring this case under the operation of the statute, therefore, it must appear that the right, the enjoyment of which the conspirators intended to hinder or prevent, was one granted or secured by the Constitution or laws of the United States. If it does not so appear the criminal matter charged has not been made indictable by any act of Congress.

We have in our political system a Government of the United States and a Government of each of the several States. Each one of these Governments is distinct from the others, and each has citizens of its own, who owe it allegiance, and whose rights within its jurisdiction it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these Governments will be different from those he has under the other. (Slaughter-house Cases, 16 Wall., 74.)

Citizens are the members of the political community to which they belong. They are the people who compose the community, and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights. In the formation of a government the people may confer upon it such powers as they choose. The government when so formed may, and when called upon should, exercise all the powers it has for the protection of the rights of its citizens and the people within its jurisdiction, but it can exercise no other. The duty of a government to afford protection is limited always by the power it possesses for that purpose.

Experience made the fact known to the people of the United States that they required a National Government for national purposes. The separate governments of the separate States, bound together by the articles of confederation alone, were not sufficient for the promotion of the general welfare of the people in respect to foreign nations, or for their complete protection as citizens of the confederated States. For this reason the people of the United States, "in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty" to themselves and their posterity, (Const. Preamble,) ordained and established the Government of the United States, and defined its powers by a Constitution, which they adopted as its fundamental law and made its rule of action.

The Government thus established and defined is, to some extent, a government of the States in their political capacity. It is, also, for certain purposes a government of the people. Its powers are limited in number, but not in degree. Within the scope of its powers, as enumerated and defined, it is supreme and above the States, but beyond it has no existence. It was created for special purposes, and endowed with all the powers necessary for its own preservation and the accomplishment of the end its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.

The people of the United States resident within any State are subject to two governments, one State and the other National, but there need be no conflict between the two. They are established for different purposes and have separate jurisdictions. Together they make one whole and furnish the people of the United States with a complete Government, ample for the protection

[See Fourth Page.]

CAPITAL TOPICS.

THE STRAW BIDS THAT WERE BAD

THE SOUTHERN PACIFIC RAILROAD

THE BOURBON CURRENCY FIGHT

AN INVESTIGATION TO BE INVESTIGATED

STREET-CAR CONDUCTORS AND DRIVERS

THE CASE OF GEN. RUFUS INGALLS

Investigating Tombstones.

The Committee on Military Affairs have yet to examine a large number of witnesses in reply to the question, under oath, as to what they know about tombstones.

War Expenditures.

The Committee on Expenditures in the War Department held no meeting yesterday. General Custer is among other witnesses summoned to appear before the committee.

Financial.

The balances in the Treasury at the close of business yesterday were: Currency, $4,975,723; special deposit of legal tenders for redemption of certificates of deposit, $42,475,000; coin, $74,377,729; including coin certificates, $34,242,000; outstanding legal tenders, $370,943,302.

Another Fabrication Exploded.

Attorney General Pierrepont says that there has not been the slightest difference of opinion or disagreement whatever between the President and himself upon his circular letter to the District Attorneys about the whisky trials or anything else.

Street-Car Conductors and Drivers.

Messrs. Maish and J. H. Bagley yesterday introduced bills defining a legal day's work for conductors and drivers on the street railroads of the District, limiting the time to ten hours. The bill is the same as that offered by Mr. Hazelton, of Wisconsin, at the last session, but which was never acted upon by the committee.

The Spencer Investigation.

A number of witnesses were examined in the Spencer case yesterday, but the testimony elicited was unimportant. The prosecution was prevented by the counsel for the defense from presenting hearsay evidence, and the result was that they failed to make any new points, because their case rests entirely on rumor.

Gen. Belknap to be Acquitted.

It is generally conceded that while morally there seems to be enough evidence to convict Gen. Belknap, legally there is nothing yet produced in March's or other evidence before the committee to convict him in the Senate or the District Court. The affair has proven one of the "nine days' wonders" by reason of Clymer's lack of sagacity.

Southern Pacific Railroad.

The Senate Committee on Railroads held a meeting yesterday and further discussed the project of building a railroad on the thirty second parallel of latitude. They came to no conclusion, and postponed the further consideration of the question for two weeks. It is generally believed that the committee will take no definite action this session.

The Real Estate Pool.

The select committee on the District real estate pool held a meeting yesterday in secret session, during which time they resumed the consideration of the documentary evidence, telegrams, &c., submitted to them on Saturday. The examination of ex-Congressman Charles Eldredge, of Wisconsin, has been postponed until to-morrow morning, to which time the committee adjourned.

The Currency Fight.

The vote in the House yesterday on Mr. Payne's caucus bill shows that it cannot possibly pass. The test was honestly made, and Mr. Payne was quite discouraged at the result. The bill was defeated by Democratic votes. It is hard to tell whether a bill for absolute repeal of the resumption act, without anything in its place, can pass. The probabilities are that if it ever gets to a square vote something of that kind will be done by the friends of repeal. There is no way to get it before the House to get a square vote on it, and that is through a regularly-organized committee.

The Funding Bill.

It is evident that the Committee of Ways and Means intends to defeat Secretary Bristow's funding bill that passed the Senate and is now in the hands of the committee. They will probably report a substitute next week, making a short 4½ per cent. bond, say fifteen years, for $200,000,000, and a long 4 per cent. bond, say forty years, with the adjustment of payments to sinking fund to meet such a substitute bill. There will be no use of a forty-year bond if the sinking fund is kept up fully, because the way it is going on it would pay the entire national debt in twenty-nine years.

Collins, the Pension Defaulter.

In reply to a resolution the Secretary of the Interior has sent to the House of Representatives a detailed statement in connection with the defalcation of W. F. Collins, late pension agent at Washington. On the 29th of January Collins was removed and surrendered the books of the agency. His defalcation appears on the books of the Pension Office as $49,344.50, and by the books of the Third and Fourth Auditors $61,944 41, the difference arising from certain suspended vouchers.

Notwithstanding repeated requests made of the Treasury Department the Interior Department has never received a statement of Collins' account, the nearest approach being a few pieces. Collins' bond was for $100,000, with the following sureties, who justified in the amounts opposite their names: Gary M. White, $5,000; Frederick Douglass, $5,000; Robert Ross, $10,000; A. Ward and Newton Crawford, $10,000 each; Horatio R. Maryman, $5,000; Wm. H. Slater, $12,000, and Joseph T. Brown, $18,000. So far as known to the committee no steps have been taken for the recovery of said defalcation. Although a defaulter to the Government to a large amount, and his residence unknown to the Government, on his return home he has regularly paid to his wife at the Washington agency upon an order from him which she holds.

General Rufus Ingalls.

We are authorized to state that there were no charges against this officer for issuing mixed feed, oats and corn, to the public animals; that it was not in 1864, but in 1865 when the quartermaster at Alexandria bought and sent it to the front, where it was thankfully received; that there was no court of inquiry on General Ingalls, who was then chief quartermaster in charge of the Potomac, and at the headquarters on the Rapidan. The whole thing arose from the arrest of the Alexandria quartermasters on a charge of collusion with contractors for forage, and a jumbling report of P. H. Watson, then one of the assistant Secretaries of War. After a long and rigid imprisonment in the Old Capitol these quartermasters were found innocent of the collusion charged, and the contractors were all paid to the last dollar by orders of the War Department, but the quartermasters confessed to a rascality in fuel, and were turned adrift from prison without trial.

While Gen. Ingalls had the power, the public animals in the army were always kept in good order, but under the Watson system they were frequently at the point of starvation on the eve of campaigns of vital importance in 1864 and 1865, as will be attested by all the chief officers of the Army of the Potomac. In 1863, the time of mixed feed, Gen. Meigs was in the field at Chattanooga, Col. Charles Thomas was acting Quartermaster General, and P. H. Watson was trying to run the forage question, about which there is much to say in case of an investigation, greatly to be desired, if one wishes to go back that far.

Investigation Investigated.

In the Washington *Sunday Herald* of this week, under the head of "Printing," occurs the following:

"The House Committee on Printing is making an investigation into the Government Printing Office, and discovering great extravagance and a good many irregularities. No charges of fraud against the Government Printer, Colonel Clapp, have been made, yet it does appear that contracts have not always been awarded to the lowest bidder, and that the books of the concern are not altogether straight. The committee has taken the testimony of a bidder who says the Government could have saved $15,000 a year on materials for binding alone, had his bid been accepted, instead of the bid of a favored dealer."

Some facts that have recently come to our knowledge seem to indicate that the House Printing Committee is not, after all, so thirsty for economy and retrenchment as the above paragraph would lead one to suppose.

At the recent lettings of paper contracts a Milwaukee firm was the lowest bidder for a large class of papers. Their rate ranged from six mills to two cents per pound lower than any other. Certain competing parties who, it would seem, belong to the class of "favored dealers," presented a protest in writing against the reception of the bids of the Milwaukee firm. The ground for rejecting the bids was an alleged informality. The committee, without hearing argument or explanation, summarily rejected the bids. To this action the Milwaukee firm remonstrated. They showed that the bids were not informal, according to law, and that whatever informality there was was caused by the agents of the Government, and was not the fault of the firm. They moreover charged—

First. That by rejecting their bids the committee proposed to pay from six mills to two cents higher than last year, while the price of paper is really a cent lower.

Second. That the committee proposed to pay one cent per pound higher than the price in open market.

Third. That by awarding the contracts at the rate they intended the Government would be the loser to the amount of $10,000 or $15,000.

The committee was moreover reminded of its reserved right to reject all bids "as the interests of the Government should dictate." It was known that were the bids for this class reopened to competition the above amount could be saved to the Government, and they were invited to so reopen them.

To this remonstrance the committee paid no attention. The awards were confirmed by the votes of the House committee. We understand the Republican Senators voted against this award, and we are glad to be able to say it. The effect of this decision will be to put a "bonus" into the pockets of certain dealers, and Mr. Vance and his brother Democrats know it when they voted for it. Had any one been ever so anxious to favor any one in this case they could not have done it without the active assistance of the House committee. Why is Mr. Vance anxious to put money into the pockets of contractors? Does he intend to make up the deficit by squeezing the salaries of Treasury clerks? While he was meditating this piece of questionable economy he offered in the House a resolution providing for the publication of 300,000 copies of the "Agricultural Report." Could he not have been satisfied with fewer reports, knowing the high price of the paper they were to be printed on? Or could he not have agreed to a cheaper price for the paper, knowing the immense amount of it he intended having consumed?

The Straw-Bid Investigation.

The House Committee on Post Offices yesterday heard a statement of Governor D. P. Thompson, of Idaho. He said the recent testimony of Mr. Barlow was calculated to injure him, unless his transaction with Barlow should be explained. He testified that in March, 1874, he bid for carrying the mail between Kelton, Utah, and the Dalles, in Oregon, at the rate of $123,000 per annum, but Mr. DeLacy was awarded the contract at $67,000. He commenced the service on the 1st of July, and in September Thompson was informed by the Department that he could take up his checks, which covered the usual deposit made by the required of bidders at the time of putting in their bids. A few days afterwards Barlow came to his room and asked him whether he thought it possible for DeLacy to carry the mail at so low a figure as $67,000, and in the event of DeLacy's failure what he (Thompson) proposed to do. Thompson said he proposed to hold and claim the bid. Barlow remarked he would sell his stock to Thompson, and the latter replied, "I will buy it at a fair price or give you my chances in the bid." This was seven or eight months after the contract had been awarded, and some three months before DeLacy failed. Thompson sold him his chances for $15,000, and Barlow obtained the route at $124,750. Thompson considered that while he had a claim on the Post Office Department, as one of the next lowest bidders, the Department had no claim on him. Six months after DeLacy commenced the service, Thompson received a letter from the Post-Office Department asking whether he would take the service at his own bid, should the contract be awarded to him, to which Thompson made no reply, knowing that whatever interest he had in it to Barlow, as above stated. Thompson said he never had any combination with other parties, all his bids being legitimate, but legitimate bidders never had a fair chance.

The Real Estate Pool.

The following is the full text of the letter of Hon. Chas. A. Eldredge, addressed to Hon. J. M. Glover, chairman of the special committee of the House, in relation to his connection with the so-called "real estate pool," some extracts from which have been paraded over the country as Mr. Eldredge's confession of complicity in the transaction. It will be seen that it has been in the hands of the committee a whole week, and fully corroborates Mr. Kilbourn's testimony in the matter:

WASHINGTON, March 15, 1876.

GENTLEMEN: Referring to the case of Mr. Hallet Kilbourn, who was imprisoned by your order in the District of Columbia for an alleged contempt of the orders of the House of Representatives, in refusing to produce the private books, papers, &c., of himself and his partners, and who has since close the names of the persons for whom they had invested the sum of $5,000 each in the purchase of real estate in the city of Washington, I desire to say that I have never had any interest, directly or indirectly, before the joint committee of the two Houses charged with the investigation of District affairs in the last Congress and applied for the privilege of stating fully all I know in the matter, and though he still insists that in his refusal to comply with the order of the House he is acting in vindication of his rights as a citizen, willing at all times to obey the law, and thereby also in vindication of a most vital principle of civil liberty, and that the whole responsibility is with himself, I cannot have it seem even longer that he may possibly be refusing for the purpose of screening me, from some supposed exposure in a transaction which I know is absolutely pure and free from all wrong as far as I have any information or belief concerning it.

The facts in the case, so far as my business I have not the least objection to stating, so far as I am concerned. In the summer of 1871 Mr. Wm. S. Huntington, the cashier of the First National Bank at Washington, was then the president of the Congressional district I represented, and a personal friend in whose business judgment and integrity I had the fullest confidence, knowing I had some money in bank unemployed, proposed to me to let him place for me $5,000 in real estate, as the best use that could be made of it. He said he was going to invest some $5,000 of his own money and other personal friends of his and mine that would put in $5,000 each, and that Messrs. Kilbourn & Latta, who were well informed and good business men, would be the agents through which to make the investments. I told him I thought I would do it. On the 9th day of December, 1871, he drew my check, as I subsequently learned, on my account for the $5,000 for the purchase. When I learned this I spoke to him about it, and he said he had given the money to Kilbourn, who was investing it as we had talked, and that it was all right. In the spring of 1872 Huntington died very suddenly and unexpectedly. After his death for the first time I spoke to Mr. Kilbourn about it, and he said Mr. Huntington had handed him $5,000 for the purpose, and he supposed he would give a full statement. Up to this time I had never, to my recollection or belief, spoken to Latta or Olmstead. Nor had I then any knowledge or information as to the names of any or any other persons were to be in any way interested, except the persons mentioned by Mr. Huntington at our first interview, as before stated.

It was, I think a year or more before I heard that Huntington and Kilbourn & Latta did not put any money in, and that Jay Cooke & Co. had advanced the money for them, and that it was taken in the name of a trustee, and inquired why it was, I was informed that it was solely for convenience of doing business. I never knew it was proper to inquire into the equities of a transaction, and do not now. I have the check in Mr. Huntington's hand-writing on which he drew my money. Had he not drawn it as he did, before I had heard of any real estate pool, I suppose I would have been more fully advised about the purpose and intention as to the manner of doing business. I do not in this intent to question the propriety of any one who chooses to do what he did. I never had a word of conversation with reference to this matter with any person connected either with the Government of the United States or the District of Columbia. When Messrs. Kilbourn & Latta settled the Cooke interest I assigned them all mine, and have had no interest since. I have always believed, and do still believe, the transaction perfectly legitimate and proper in every respect, however it may have turned out as a speculation.

If the committee desire any further information on the contents of this communication, sworn to, I am in the city and shall be ready to comply with their requests. Respectfully,

CHAS. A. ELDREDGE.

Hon. J. M. Glover, Chairman.

Confirmations.

The Senate in executive session yesterday confirmed the following nominations: John A. Bently, of Wis., to be Commissioner of Pensions, vice Chas. R. Gill, resigned; Elbert E. Farnum, of N. Y., to be Agent and Consul General at Cairo, vice Frederick Morley, declined; David J. Baldwin, United States attorney for the Eastern district of Texas; Chas. H. Miller, United States marshal for Kansas, vice Tough, resigned; Daniel Oboate, to be postmaster at San Diego, Cal., vice Dunham, deceased.

Nominations.

The President sent the following nominations to the Senate yesterday: Elbert E. Farman, of New York, to be agent and consul general of the United States at Cairo; Charles H. Miller, to be United States marshal for the district of Kansas; Perry Hannah, to be receiver of public moneys at Traverse City, Mich.; Arthur Grattan Oabell and Nelson Henry Drake, to be assistant surgeons of the United States navy.

SAVING GRACE.

Its Work Yesterday Throughout the City.

The First Presbyterian church (Rev. Dr. Sunderland's) was well filled yesterday morning with a very intelligent and attentive audience, among whom many strangers were observed.

EVENING MEETINGS.

The services during the evening at Drs. Sunderland's, Noble's and Domer's were all largely attended, and were conducted in the usual manner, exciting much interest.

This morning the usual Bible reading meeting at 11:20 o'clock. A message from the secretary, to be addressed by Mr. Hammond and others, will be held in the Congregational church at 4 p. m., and the union meeting, at which Mr. Hammond will preside, will be held in the same church at 7 p. m.

Advertising People.

Says the Boston *Post:* "People who advertise are smarter than those who don't; better looking, too, nine in ten. This is natural, if not logical. Advertising is an indication of intelligence, and intelligence is one of the leading elements of good looks. At all events the world believes in those who advertise, and it plants its dollars in their pockets. Such are live people; and in these live days nobody wants anything to do with any but your live men and women. Our advice to everybody—except in matrimony—is to advertise. It is sure to return largely, increase your reputation as a business man, make hosts of friends, and add to the number of shrewd and sensible people in the world, of which there has never yet been an overstock."

FORTY-FOURTH CONGRESS.

HOLIDAY FOR DEPARTMENT CLERKS

MR. MORTON'S MISSISSIPPI RESOLUTION

SENATOR ARMSTRONG'S SUBSTITUTE FOR IT

THE DIPLOMATIC APPROPRIATION BILL

PAYNE'S SPECIE RESUMPTION MEASURE

It is Rejected by a Large Majority

SENATE.

MONDAY, March 27, 1876.

The CHAIR laid before the Senate a communication from the Secretary of War, inclosing a letter from Second Lieutenant George Cecil, giving his views against the proposed reduction of the pay of second lieutenants. Referred to the Committee on Military Affairs.

Also, a communication from the Secretary of War, inclosing a letter from the Commissary General of Subsistence, asking for an appropriation of $300,000 to supply deficiencies for the frontier posts. Referred to the Committee on Appropriations.

Mr. BOUTWELL submitted a joint resolution of the Massachusetts Legislature, asking the adoption of the metric system of weights and measures. Referred to the Finance Committee.

Mr. CONKLING presented a memorial of citizens of New York, protesting against the proposed tariff reduction. Finance.

Mr. WITHERS presented a petition of business men of Richmond, asking the repeal of the bankrupt law. Judiciary.

Mr. THURMAN presented the memorial of twenty-seven Union soldiers, each of whom lost an eye, asking that the pension granted the artificial eye or the money value of the same. Military Affairs.

Mr. BOOTH presented joint resolution of the California Legislature, asking reduction of

POSTAGE ON MAIL MATTER.

Mr. SPENCER, from the Committee on the District of Columbia, reported a joint resolution granting a holiday on the 14th of April next to the Government employees in Washington, to witness the ceremony of the raising of the Lincoln statute at Lincoln park. Passed.

Mr. HAMLIN, from Committee on Post Offices, reported bill fixing the rate of postage on third class matter and for other purposes.

Mr. STEVENSON, from the Committee on Revolutionary Claims, reported adversely on the claims of the heirs of Uriah Forrest and of —— Hopkins and the memorial of Lucy Ware.

Mr. EDMUNDS introduced a bill to provide that all pensions on account of death wounds or disease contracted in the service since March 4, 1861, shall commence from the date of death, to be hereafter be granted, on application filed previous to January 1, 1880, shall commence from the date of death or discharge, and to provide, also, for the payment of the arrears of pensions thus accrued. Pensions.

Mr. CAMERON, of Wis., from the Committee on Commerce, reported favorably the bill authorizing the construction of a bridge across the Mississippi river between certain points in Wisconsin and Missouri.

Mr. CLAYTON introduced a bill for the relief of certain officers of the army who have been overslaughed. Also, a bill in relation to promotions in the line of the army. Military Affairs.

Mr. MORTON introduced a bill for the relief of Thomas J. Ryan and Charles F. Nachman. Claims.

Mr. KERNAN introduced a bill to extend the jurisdiction of the Court of Claims and for other purposes. Patents.

Mr. OGLESBY presented a petition of the National Board of Trade asking the appointment of a commission to consider similar commission to be appointed by the Dominion of Canada for a treaty of reciprocity between the United States and Canada. Foreign Affairs.

Mr. SARGENT, from the Committee on the Library, reported joint resolution authorizing the committee to send two paintings by Thomas Moran to the Centennial Exposition. Passed.

Mr. JONES, of Fla., submitted a resolution calling on the Secretary of State for information as to the amount of money in his Department paid by Venezuela under the treaty of April, 1866, and what objection, if any, there is to the distribution of the money to those holding certificates therefor. Adopted.

Mr. CONKLING, from the Committee on Commerce, reported favorably the House bill relating to the execution of custom-house bonds, and to change the name of the steamboat Charles W. Mead.

Mr. THURMAN, from the Committee on the Judiciary, reported the House bill concerning cases in bankruptcy commenced in the Supreme Courts of the several Territories prior to the 221 day of June, 1874, and now undetermined therein.

ELECTION IN MISSISSIPPI.

Mr. MORTON called up his resolution proposing an investigation into the late election in Mississippi, which is as follows:

Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great fraud, violence and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-box stuffing, and other frauds imposed upon voters, so that a popular majority of more than 25,000 was overcome, and in its place was given an apparent, but fraudulent majority of more than 30,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas if these allegations are true a great number of citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to write said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties, and to make report to the Senate before the end of this session of the results of their inquiry.

Mr. CHRISTIANCY submitted the following substitute for Mr. MORTON's resolution, and Mr. MORTON accepted the same: Whereas it is alleged that the election in Mississippi in the year 1875, for members of Congress, State officers and members of the Legislature, was characterized by great frauds committed upon and violence exercised towards the citizens of the United States, and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race or previous condition of servitude, were, by intimidation and force, deterred from voting, or compelled to vote contrary to their wishes for candidates and in support of parties to whom they were opposed, and that they were thus kept from the exercise of the elective franchise, as secured by the fifteenth amendment to the Constitution, thus practically denied and violated; and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of the amendment to the Constitution of this congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations, from some supposed constitutional rights have in the said election been violated by force, fraud or intimidation, and to inquire and report to the Senate before the end of this session whether any, and if so, what further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights, and that said committee be empowered to visit said State, to send for persons and papers, to take testimony on oath and to use all necessary process for these purposes.

Mr. CHRISTIANCY said that he was willing to vote for the substitute which he had offered, because he thought it was within the constitutional power of the Senate. He then said that, in view of the peculiar circumstances, he had been disposed to look with leniency upon the prejudices of the Southern people, and to think whether we of the North would, under the same circumstances, have the opportunity to exercise discretion and propriety. While feeling this, he, of course, could not tolerate any violation