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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

REESE AND FOUSHEE 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 Foushee. 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 3 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.

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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 now 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 case is provided for 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 or disregarding 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.

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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,-229; including coin certificates, $34,242,000; outstanding legal tenders, $370,943,392.

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. Hazleton, 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 committee from presenting hearsay evidence, and the result was that they failed to make any new points, because their case rests entirely on rumor.

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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 knew 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 $123,400 per annum, but Mr. DeLacy was awarded the contract at $67,000. DeLacy 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 of five per cent. 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 mails 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 on 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 was let to DeLiacy, and some three months before DeLacy failed. Thompson sold him his chances for $15,000, and Barlow obtained the route at $134,760. 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 circular 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, having sold 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

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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 pro-

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vote with the Appropriations Committee to bring up the appropriation bills whenever any of them were ready to be acted upon.

Mr. MORTON said the consular and diplomatic appropriation bill was the only appropriation bill now ready. He had been informed by a member of the House that that body would be engaged for a month yet over the legislative bill. So that there was no pressure on account of the appropriation bills.

The motion to postpone the regular order and to take up the Mississippi resolution was lost—ayes 28, nays 31; the negative vote consisting of the Democratic Senators and Messrs. BOOTH, DAWES, HOWE, SHERMAN and WINDOM.

Mr. CLAYTON, from the Committee on Military Affairs, reported adversely on the bill for the relief of St. John B. Sinclair, and it was indefinitely postponed.

Also, from the same committee, formally on bill to equalize fees allowed attorneys for collecting pay on bounty.

Mr. BURNSIDE, from the Committee on Military Affairs, reported adversely on bills for the relief of Isaac S. Lyon and Capt. F. V. De Coster, and they were indefinitely postponed.

Also, formally, from the same committee, with amendments, bill to restore appointments and promotions in the

PAY DEPARTMENT OF THE ARMY.

Mr. CONKLING introduced a joint resolution, requesting the President to accept the invitation of Peru to join a conference of the Powers of North and South America on the subject of international law. Referred to the Committee on Foreign Affairs.

Mr. WRIGHT, from the Judiciary Committee, reported adversely House and Senate bills to amend section 190 of the Revised Statutes, and they were indefinitely postponed.

Mr. DORSEY introduced bill for the relief of H. K. Randall and others for damage to their property by the alteration of the grade of Pennsylvania avenue, between the Capitol gate and Fifteenth street west. Referred to the Committee on the District of Columbia.

The consular and diplomatic appropriation bill was then proceeded with.

Mr. SARGENT said the bill as passed by the House called for $912,797; as reported to the Senate by the Committee on Appropriations it called for $1,341,647. The amount appropriated last year was $1,374,985. He explained that the Senate committee had restored the old salaries to the United States Ministers in Europe, and the committee did not think they were too much. The committee had also restored the appropriation for certain of

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PERILS OF THE DEEP.

FORTY-SEVEN LIVES LOST AT THE SEA

AND FIVE DROWNED IN EASTERN RIVERS

WHAT THE FLOODS HAVE DESTROYED

NINE WHITE LEAGUERS IN LIMBO

A CHARGE AGAINST BELKNAP KILLED

THE FRAUDS OF SOUTH CAROLINA

SOUTH CAROLINA.

A Slight Mistake Corrected—More of Governor Chamberlain's Tactics.

[Special to the National Republican.]

COLUMBIA, S. C., March 26.—Several newspapers of Washington and other Northern cities have been alluding to the "probable impeachment of Judge Buttz, of South Carolina." Mr. Buttz is not a "judge," but the solicitor of the Charleston circuit, which position he has filled with ability for the past three years. Mr. Buttz was fully vindicated by the Legislature a few days since, and the resolution impeaching him was voted down by a two thirds majority, many Democrats voting to sustain him. The whole matter was a scheme concocted by Chamberlain and his ally, the corrupt mulatto Cardozo, who holds the Governor's money bags.

The programme was to get rid of Buttz and have Judge Reed—another corrupt ally of Chamberlain—appoint a Democrat to the solicitor's place, who it was expected would succeed in making the grand jury present indictments against prominent Charleston Republicans who are faithful to the party and oppose its betrayal by the adventurous Chamberlain. But this last piece of "reform" work by Chamberlain did not work "worth a cent."

The chances now are that Buttz will have Chamberlain indicted for certain illegal acts performed by him while acting as solicitor of the Charleston circuit in 1868, and as Attorney General of the State during Scott's administration.

STEAMER SUNK.

Forty-four Lives Lost in the South Pacific.

LONDON, March 27.—The following details of the loss of the emigrant ship Stathmore, from this port for New Zealand, have been received here: The Strathmore struck rocks among the Crozet group of islands, in the South Pacific, on the 1st of July, at 4:30 o'clock in the morning, and was wrecked immediately. Forty-four persons were drowned.

The survivors saved nothing, and subsisted themselves upon the rocks for six months upon the sea birds and their eggs. When they were rescued they were much emaciated and almost naked. Five had died there from exposure and want. The captain of the American whaler Young Phœnix, of New Bedford, rescued them and supplied them with clothing and treated them with great kindness.

The White Leaguers in Limbo.

NEW ORLEANS, March 27.—John S. Lamon, J. A. Dougherty, Wm. Carig, Andrew Jackson, Chas. K. Davis, Jas. Mohea, Edward Welles, John Fisher, Wm. G. Randolph and Dr. J. W. Dupree, citizens of East Baton Rouge, were arrested at the instance of parish Judge George P. Davis and brought to this city. They are charged with conspiracy and intimidation, in violation of article 5518 Revised Statutes, some months ago.

The parties above named attended a public meeting, the object of which was to secure the resignation of Parish Judge Davis. Davis resigned, but Kellogg did not appoint his successor, and Davis continued in office. About a month ago another meeting was held, and a committee appointed to notify Davis that the people would not longer be responsible for his position. Davis then left the parish.

The Great Western Going to Pieces.

NEW YORK, March 27.—The latest dispatch from the steamer Great Western, ashore off Amityville, L. I., is that she is full of water, and the weather is too boisterous to commence making efforts for saving her. Some of the cargo may be saved. The total value of the cargo is $130,000. The value of the steamship is $175,000. She is insured in England. A large portion of the cargo is insured here. The well known old packet ship Ontario, which went ashore off Little Egg Harbor, N. J., a couple of weeks ago, went to pieces during Saturday's storm.

Seven Lives Lost in the Atlantic.

PORTSMOUTH, N. H., March 27.—The brig A. Porter, of Annapolis, Nova Scotia, Captain Johnson, bound for Boston with salt, went ashore on White Island at 8 a. m., knocking overboard five of the crew, all of whom were drowned. About ten minutes later the vessel came off and struck on Lurging Island, half a mile distant, when the captain, second mate and a seaman were lost. The first mate was the only one saved. The brig is a total loss; uninsured.

Immense Destruction by the Flood.

BOSTON, March 27.—Later dispatches swell the loss by the flood at Clinton, Mass., to $350,000. The damage in New England is so widespread

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