The Huntingdon Journal.

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The Huntingdon Journal.

J. R. DURBORROW, - - J. A. NASH,
PUBLISHERS AND PROPRIETORS.

Office on the Corner of Fifth and Washington streets.

THE HUNTINGDON JOURNAL is published every Wednesday, by J. R. DURBORROW and J. A. NASH, under the firm name of J. R. DURBORROW & Co., at $2.00 per annum, IN ADVANCE, or $2.50 if not paid for in six months from date of subscription, and $3 if not paid within the year.

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	3 m	6 m	9 m	1 y		3 m	6 m	9 m	1 y
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All advertising accounts are due and collectable when the advertisement is once inserted.

JOB PRINTING of every kind, in Plain and Fancy Colors, done with neatness and dispatch.—Hand-bills, Blanks, Cards, Pamphlets, &c., of every variety and style, printed at the shortest notice, and every thing in the Printing line will be executed in the most artistic manner and at the lowest rates.

Professional Cards.

A. P. W. JOHNSTON, Surveyor and Civil Engineer, Huntingdon, Pa. OFFICE: No. 113 Third Street. aug21,1872.

B. F. GEHRETT, M. D., *ECLECTIC PHYCICIAN AND SURGEON*, having returned from Clearfield county and permanently located in Shirleysburg, offers his professional services to the people of that place and surrounding country. apr.3-1872.

DR. H. W. BUCHANAN,
DENTIST,
No. 228 Hill Street, HUNTINGDON, PA.
July 3, '72.

DR. F. O. ALLEMAN can be consulted at his office, at all hours, Mapleton, Pa. [march6,72.

D. CALDWELL, Attorney-at-Law, No. 111, 3d street. Office formerly occupied by Messrs. Woods & Williamson. [ap12,'71.

DR. A. B. BRUMBAUGH, offers his professional services to the community. Office, No. 523 Washington street, one door east of the Catholic Parsonage. [jan.4,'71.

E. J. GREENE, Dentist. Office removed to Leister's new building, Hill street Huntingdon. [jan.4,'71.

G. L. ROBB, Dentist, office in S. T. Brown's new building, No. 520, Hill St., Huntingdon, Pa. [ap12,'71.

H. GLAZIER, Notary Public, corner of Washington and Smith streets, Huntingdon, Pa. [jan.12'71.

H. C. MADDEN, Attorney-at-Law Office, No. —, Hill street, Huntingdon, Pa. [ap.19,'71.

J. FRANKLIN SCHOCK, Attorney-at-Law, Huntingdon, Pa. Prompt attention given to all legal business. Office 229 Hill street, corner of Court House Square. [dec.4,'72

J. SYLVANUS BLAIR, Attorney-at-Law, Huntingdon, Pa. Office, Hill street, three doors west of Smith. [jan.4'71.

J. CHALMERS JACKSON, Attorney at Law. Office with Wm. Dorris, Esq., No. 403, Hill street, Huntingdon, Pa. All legal business promptly attended to. [jan15

J. R. DURBORROW, Attorney-at-Law, Huntingdon, Pa., will practice in the several Courts of Huntingdon county. Particular attention given to the settlement of estates of decedents. Office in he JOURNAL Building. [feb.1,'71.

J. W. MATTERN, Attorney-at-Law and General Claim Agent, Huntingdon, Pa., Soldiers' claims against the Government for back pay, bounty, widows' and invalid pensions attended to with great care and promptness. Office on Hill street. [jan.4,'71.

L. S. GEISSINGER, Attorney-at-Law, Huntingdon, Pa. Office with Brown & Bailey. [Feb.5-1y

K. ALLEN LOVELL. J. HALL MUSSER.

LOVELL & MUSSER, *Attorneys-at-Law*, HUNTINGDON, PA. Special attention given to COLLECTIONS of all kinds; to the settlement of ESTATES, &c.; and all other legal business prosecuted with fidelity and dispatch. [nov6,'72

P. M. & M. S. LYTLE, Attorneys-at-Law, Huntingdon, Pa., will attend to all kinds of legal business entrusted to their care. Office on the south side of Hill street, fourth door west of Smith. [jan.4,'71.

R. A. ORBISON, Attorney-at-Law, Office, 321 Hill street, Huntingdon, Pa. [may31,'71.

JOHN SCOTT. S. T. BROWN. J. M. BAILEY

SCOTT, BROWN & BAILEY, Attorneys-at-Law, Huntingdon, Pa. Pensions, and all claims of soldiers and soldiers' heirs against the Government will be promptly prosecuted. Office on Hill street. [jan.4,'71.

WILLIAM A. FLEMING, Attorney-at-Law, Huntingdon, Pa. Special attention given to collections, and all other legal business attended to with care and promptness. Office, No. 229, Hill street. [ap19,'71.

Hotels.

MORRISON HOUSE,
OPPOSITE PENNSYLVANIA R. R. DEPOT
HUNTINGDON, PA.
J. H. CLOVER, Prop.
April 5, 1871-1y.

WASHINGTON HOTEL, S. S. BOWDON, Prop'r. Corner of Pitt & Juliana Sts., Bedford, Pa. may1.

Miscellaneous.

O YES! O YES! O YES! The subscriber holds himself in readiness to cry Sales and Auctions at the shortest notice. Having considerable experience in the business he feels assured that he can give satisfaction. Terms reasonable. Address G. J. HENRY, March5-6mos. Saxton, Bedford county, Pa.

H. ROBLEY, Merchant Tailor, near Broad Top Corner, (second floor,) Huntingdon, Pa., respectfully solicits a share of public patronage from town and country. [oct16,72.

R. A. BECK, Fashionable Barber and Hairdresser, Hill street, opposite the Franklin House. All kinds of Tonics and Pomades kept on bandand for sale. [ap19,'71-6m

SHIRLEYSBURG ELECTRO-MEDICAL, Hydropathic and Orthopedic Institute, for the treatment of all Chronic Diseases and Deformities. Send for Circulars. Address Drs. BAIRD & GEHRETT, Shirleysburg, Pa.
nov27,'72tf]

PROCLAMATION—Whereas, by a precept to me directed, dated at Huntingdon, the 22d day of Jan., A. D., 1873, under the hands and seal of the Hon. John Dean, President Judge of the Court of Common Pleas, Oyer and Terminer, and general jail delivery of the 24th Judicial District of Pennsylvania, composed of Huntingdon, Blair and Cambria counties; and the Hons. Anthony J. Beaver and David Clarkson, his associates, Judges of the county of Huntingdon, justices assigned, appointed to hear, try and determine all and every indictment made or taken for or concerning all crimes, which by the laws of the State are made capital, or felonies of death and other offences, crimes and misdemeanors, which have been or shall hereafter be committed or perpetrated, for crimes aforesaid—I am commanded to make public proclamation throughout my whole bailiwick, that a Court of Oyer and Terminer, of Common Pleas and Quarter Sessions will be held at the Court House, in the borough of Huntingdon, on the second Monday (and 13th day) of April, 1873, and those who will prosecute the said prisoners, be then and there to prosecute them as it shall be just, and that all Justices of the Peace, Coroner and Constables within said county, be then and there in their proper persons, at 10 o'clock, a. m., of said day, with their records, inquisitions, examinations and remembrances, to do those things which to their offices respectively appertain.
Dated at Huntingdon, the 19th day of March, in the year of our Lord one thousand eight hundred and seventy-two and the 97th year of American Independence.
AMON HOUCK, SHERIFF.

PROCLAMATION—Whereas, by a precept to me directed by the Judges of the Common Pleas of the county of Huntingdon, bearing test the 22d day of Jan., A. D., 1873, I am commanded to make public proclamation throughout my whole bailiwick, that a Court of Common Pleas will be held at the Court House, in the borough of Huntingdon, on the 3d Monday, (and 21st day,) of April, A. D., 1873, for the trial of all issues in said Court which remain undetermined before the said Judges, when and where all jurors, witnesses, and suitors, in the trials of all issues are required.
Dated at Huntingdon, the 19th day of March, in the year of our Lord, one thousand eight hundred and seventy-two and the 97th year of American Independence.
AMON HOUCK, SHERIFF.

TRIAL LIST FOR APRIL TERM 1873

FIRST WEEK.

Fred Klepser, Executor, &c., of Wm. Enyeart	vs.	Jackson Enyeart.
Eli Sankey for use	vs.	Martha Walker.
Lowell Shumway surviving partner of W. A. Shumway	vs.	James Dunn.
J. Crawford Wallace	vs.	G. & J. H. Shoenberg.
Jacobs & Withington for use	vs.	John G. Stewart.
Jacob Hoffman	vs.	John Bare.
F. B. Reese & Co.,	vs.	A. B. Frank.

SECOND WEEK.

Rose M. Herron	vs.	David Blair.
Saml. R. Douglass' use	vs.	H. S. Wharton.
Edward Williams	vs.	The Adams Express Co
Margaret A. Crownover	vs.	Geooge P. Wakefield.
The Commonwealth of Pennsylvania	vs.	John Minnick, et al.
Same	vs.	Adam Speck, et al.
J. M. Boober, et al	vs.	Wm. J. Boober
Harrison Couch	vs.	Thomas Knode.
Andrew Decker	vs.	Rebecca Gorsuch, et al
David Newingham's Executors	vs.	A. P. Wilson's adm'r's
John G. Ritter	vs.	John Houck, et al.
Mordecai Henry	vs.	The township of West.
Joseph Douglass	vs.	Danl M'Gahan & wife.
R. Myton & Son	vs.	William M'Clure.
Dr. Henry Orlady	vs.	Joseph Johnston.
William Gutshall	vs.	B. Stevens.

PROTHY'S OFFICE, March 19, 1873. T. W. MYTON, Prothonotary.

REGISTER'S NOTICE.—Notice is hereby given, to all persons interested, that the following named persons have settled their accounts in the Register's Office, at Huntingdon, and that the said accounts will be presented for confirmation and allowance, at an Orphans' Court, to be held at Huntingdon, in and for the county of Huntingdon, on Wednesday, the 9th day of April next, (1873.) to wit:

1. Final account of J. E. Harper, administrator of the estate of Mary Waggoner, late of Dublin township, deceased.
2. Account of William E. Corbin and Adam Rupert, administrators of the estate of David Corbin, late of the borough of Huntingdon, deceased.
3. Partial account of George Jackson and M. B. Massey, Executors of Martha Massey, late of Barree township, deceased.
4. Account of George Jackson and M. B. Massey, Executors of the last will and testament of Robert Massey, late of Barree township, deceased.
5. Administration account of Henry Leister, administrator of George Noltie, late of Walker township, deceased.
6. Final account of Henry Graffius, administrator of Dr. Wm. Graffius, late of Porter township, deceased.
7. Account of James D. Seeds, Executor of the last will of Hugh Seeds, late of Morris township, deceased.
8. First and partial account of Abram Taylor and Jesse Curfman, Executors of Conrad Curfman, late of Cass township, deceased.
9. The second and final account of George Jackson and James H. Lee, Executors of the last will and testament of Henry Lee, late of Jackson township, deceased.
10. Partial account of J. R. Simpson, Executor of the estate of Maria Steel, late of the borough of Huntingdon, deceased.
11. Admistration account of Sterrett Cummins, Executor of the last will of Daniel Barr, late of Jackson township, deceased.
12. Final account of Mrs. Martha C. Weston, surviving Executrix of the last will and testament of John Hampson, deceased.
13. Account of David and Joseph Grove, administrators of the estate of Catharine Grove, late of Shirley township, deceased.
14. Account of David and Joseph Grove, administrators of Samuel Grove, late of Shirley township, deceased.
15. Guardianship account of John H. Glazier, guardian of Lizzie Innes, minor child of John C. Innes, late of Hollidaysburg, deceased, who will have attained her majority on the 5th day of April, 1873.
16. Final account of James E. and Robert Harper, late of Dublin township, deceased.
17. Account of David Johns, administrator of Joshua Johns, late of Union township, deceased.
18. Administration account of Livingston Robb, administrator of Joseph K. Harnish, late of Porter township, deceased.
19. Administration account of George Jackson, administrator of Alexander Thompson, deceased.
20. The first and partial account of Geo. W. Taylor and Andrew Crotzley, administrators of Abram Taylor, late of Cass township, deceased.
21. Final account of Wm. R. Baker, Executor of David S. Baker, late of the borough of Orbisonia, deceased.
22. Account of Robert M'Neal, administrator of Alexander M'Annich, late of Dublin township, deceased.
23. Final account of Maria Shaffner and David Detwiler, Executors of Jacob Shaffner, late of Brady township, deceased.
24. Account of M. F. Campbell, administrator of the estate of Hannah Corbin, late of Union township, deceased.
25. Final account of Samuel B. Grove, guardian of Kate Hampson, of Brady township, who has now attained her majority.
26. Account of J. Simpson Africa, Executor of the last will and testament of Henry Sturtsman, late of the borough of Huntingdon, Pa.
27. Account of Samuel Bolinger, administrator of John Bolinger, late of Cromwell township, deceased.
28. Final account of Dr. Wm. P. M'Nite, guardian of Stanley, Elwood and John Wicks, minor children of John Wicks, late of Shirlyburg, deceased.
29. Guardianship account of William W. Stryker, guardian of the minor children of Mahlon Y. Stryker, late of West township, deceased.
30. Guardianship account of George Garver, guardian of John E., Mary Ann and George Bowman.
31. Account of Mrs. Lucy W. Brown, administratrix of Dr. H. L. Brown, of Cassville borough, deceased.
32. Second account of Thomas W. Montgomery, Trustee to sell the real estate of John Armon, late of Barree township, deceased.

W. E. LIGHTNER, Register.
REGISTER'S OFFICE, Huntingdon, Mch. 19.

NOTICE is hereby given to all persons interested that the following Inventories of the goods and chattels set apart to widows, under the provisions of the Act of 14th of April, a. d., 1851, have been filed in the office of the Clerk of the Orphans' Court of Huntingdon county, and will be presented for "approval by the Court," on Wednesday, April 9th, 1873:

1. Inventory of the personal property of John Y. Moore, deceased, as taken by his widow, Elizabeth Moore.
2. Inventory of the goods and chattels, rights and credits which were of William S. Leffard, as taken by his widow, Catharine Leffard.
3. Inventory and appraisement of the real estate of Robert King, deceased, as appraised for the use of Louisa C. King, widow of said deceased.
4. Inventory of the personal property of Allen S. Houck, deceased, as taken by his widow, Alley E. Houck.
5. Inventory of the property set apart to Adaline Campbell, widow of Peter H. Campbell, of Mount Union, deceased.
6. Inventory and appraisement of the personal property of Dixon Hall, late of Brady township, deceased, as taken by his widow, Margaret Hall.
7. Inventory of the goods and chattels, rights and credits which were of Jacob Baker, of the borough of Alexandria, deceased, as taken by his widow, Margaret Baker.
8. Inventory of the personal property of E. B. Blackwell, late of the borough of Petersburg, as taken by his widow, E. C. Blackwell.
9. Inventory of the personal property of Cyrus Gearhart, late of Barree township, deceased, as taken by his widow Mary A. Gearhart.

W. E. LIGHTNER, Clerk of Orphans' Court.
Orphans' Court Office, March, 19, '73.

SPEECH OF HON. JOHN SCOTT,

Delivered in the United States Senate, March 15, on the Caldwell Case.

MR. PRESIDENT: Without indulging in any preliminary remarks, such as might be suggested by the gravity and importance of this occasion, I will at once approach the question which is presented by the report of the Committee on Privileges and Elections; and we find that question not only suggested, but actually presented, by the report, with its accompanying resolution. Let me call attention to it by quoting from the report:

> It has been a subject of discussion in the committee whether the offenses of which they believe Mr. Caldwell to have been guilty should be punished by expulsion or go to the validity of his election, and a majority are of the opinion that they go to the validity of his election, and had the effect to make it void. Wherefore the committee recommend to the Senate the adoption of the following resolution:
>
> *Resolved*, That Alexander Caldwell was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Kansas.

It will be observed that the finding of the committee is based, not upon what they have found the members of the Kansas legislature to have been guilty of, but upon what they find Mr. Caldwell to have been guilty of. Lest that point escape attention, let me again call attention to their own language:

> It has been a subject of discussion in the committee whether the offenses of *which they believe Mr. Caldwell to have been guilty* should be punished by expulsion or go to the validity of his election.

In this connection, and before I proceed further, let me call attention to the finding of the committee upon the questions of fact as to the legislature itself, for it will, perhaps, be necessary to consider this question in both its aspects, namely, as to the effect which the action of the legislators may have upon Mr. Caldwell's election, and as to the effect which his own acts may have upon his right to hold his seat here. There is one specific transaction, to which the committee refer, with Governor Carney, and I quote their language to give the conclusion at which they arrived as to it:

> It was an attempt to buy the votes of members of the legislature, not by bribing them directly, but through the manipulations of another. The purchase-money was not to go to them, but to Mr. Carney, who was to sell and deliver them without their knowledge. That Mr. Caldwell did procure the votes of members of the legislature, friends of Mr. Carney, ignorant of the fact that Mr. Carney was making merchandise of his political character and influence, and of their friendship for him, for which he was to receive a large sum of money, the evidence leaves no reasonable doubt.

The finding of the committee is that, so far as the friends of Mr. Carney are concerned, who voted for Mr. Caldwell, they voted without knowledge of the transaction between him and Mr. Carney, and without being influenced by the money which Mr. Carney received. Passing from that transaction to the whole testimony, they make this summary:

> But, taking the testimony altogether, the committee cannot doubt that money was paid to some members of the legislature for their votes, and money promised to others which was not paid, and offered to others who did not accept it.

It will thus be observed that, so far as Carney's friends are concerned, the committee find that they were not corrupted. It will further be observed that they do not find that Mr. Caldwell was not elected by an unbribed majority; or, to state it otherwise, they do not find that the majority by whose votes he was elected were all bribed; and, with these findings, because of the offense of which they find Mr. Caldwell guilty, of having used money for the purpose of procuring his election, they declare the act of the legislature of Kansas void.

Mr. President, this presents the really important question which we are to consider. It is argued that this is the law, and that we derive it from the source from which we derive the greater portion of our law, Great Britain. I cannot bring my mind to the conclusion that the finding of the committee is cause for setting aside this election, and I shall proceed briefly to give the grounds upon which I dissent from that conclusion.

It is argued, and I believe correctly, that if this were the case of an election of a member of the House of Commons, the finding that one elector was bribed by the member claiming his seat would avoid the election. It would go further; it would not only avoid the election as a punishment of the electors, according to the theory of the English law, but under their statue it would disqualify the man elected from being re-elected.

Now, sir, is that English law applicable to our American institutions? Is the reason which applies to a popular election in England, and which punishes both the constituency and the member elected, because one member of that constituency was bribed, applicable to the case of an election by a State? Can you punish a State as you can in England punish a constituency, because one member of the whole population of that State, intrusted for the time with a public trust, has violated it? It presents the most important question, I think, that the Senate has ever been called upon to decide; and according as we decide it, one way or the other, we shall preserve the checks and balances of the Constitution, or may introduce a precedent which may bring with it strife, anarchy, and blood.

That I may not misquote or misconstrue the position this question has assumad, let me turn to the argument of the chairman of the committee, made with all the force which his character and the strength of his conviction could give his presentation of the case. After quoting the resolution the committee had reported, he says:

> The ground upon which bribery and intimidation invalidate an election is that they impair "the fredom of elections." Rogers, in his Treaties on the Law and Practice of Elections, speaking of the action of the House of Commons, says:
>
> "Bribery essentially affecting the freedom of elections, they took cognizance of and punished both the electors and the elected offending."
>
> Bribery by a candidate, though in one instance only, and though a majority of unbribed votes remain in his favor, will avoid the particular election and disqualify him for being re-elected to fill such vacancy.

Now, Mr. President, the question presents itself. Is that doctrine applicable in a government made up of independent states? To avoid all controversy or criticism, I drop the word "sovereign" states; but is it applicable to a government whose legislative assemblies are representatives on the one side of the people in their respective districts, and, on the other, of these independent commonwealths? Our government is so dissimilar from that of England, although England is the source from which we derive many of our institutions, that many of the comparisons between them fail. With a limited monarchy, a House of Lords hereditary, and a House of Commans elected by a small portion of the English people, the analogy fails in many respects when you come to look at a President, who represents the whole people, the nation; at a Senate, which represents States; and at a House, which represents all the people in their respective districts; and it is because this analogy fails that I argue this parliamentary law of England is not applicable to an election, especially by a State; and, I think, if I have the strength, or if I recall the thought, I can show the rule has never been held to be applicable even to our popular elections; for it has never yet been held in the other House that a single case of bribery by a member took away the right of the whole constituency to their representative. Let me refer to one of the most reliable of the authorities upon parliamentary law to show that the very question I make here has been started in his mind, and has been presented in his treatise. I read from Cushing's Law and Practice of Legislative Assemblies, page 70:

> In England, before the enactment of any of the statutes on the subject, bribery was not only a high misdemeanor at common law, punishable by indictment or information, but, when practiced at elections of members of Parliament, was also a breach of parliamentary privilege, and punishable accordingly; and it is an offense of so heinous a character and so utterly subversive of the freedom of elections, that, when proved to have been practiced, though in one instance only, and though a majority of unbribed voters remain, the election will be absolutely void.

That is the doctrine contended for in this report and by the chairman of the committee. The author proceeds:

> This severity is justified on the ground that, in a country where bribery is so common as to form the subject of investigation in a large proportion of election cases, it is absolutely essential to the preservation of the freedom of election.
>
> Whether the same effect would be held to follow in this country may admit of some question, or, perhaps, depend upon the degree of guilt attached in the several States to the offense of bribery. This offense, though much less common here than in England, is nevertheless considered as so subversive of the freedom of election, and so disgraceful to the parties concerned, that it is made an express ground of disqualification in the constitutions of several of the States.

It will be observed that, after quoting the parliamentary law of England, the question is started whether it is applicable to popular elections in our States. The author is not considering the question of an election by a representative body, but the elections in the States, and he concludes thus:

> The right of a legislative assembly, in those States where a conviction is necessary to disqualify, to set aside an election for bribery, where the majority is not thereby affected, before a conviction at law has taken place, seems to be clear—

That is, under the constitutional and statutory provisions of the State—

> for, in the first place, the trial of a controverted election is a judicial proceeding; second, annulling an election for bribery, in the case supposed, is analogous to expulsion, which is the peculiar and appropriate punishment for bribery by the common law of Parliament.

There is the reason of the whole English law: "is analogous to expulsion, which is the peculiar and appropriate punishment for bribery by the common law of Parliament."

Thus you get at the intendment, the purpose of the English law of Parliament. It is punishment—punishment of the constituency, punishment of the member who has been guilty of bribery. Now, I submit that when you go to the foundation of that parliamentary law of England, and seek to apply it to an independent commonwealth, the reason of your law fails.—The people of the States are themselves the guardians of the purity of their own legislative assemblies; and if it were necessary to pursue the argument for the purpose of showing where this doctrine would lead, I might suppose a case: It is admitted that the moment you approach the legislative assemblies of the States you cannot inquire into the title by which one of the members holds his seat; that is a question committed by the State constitutions exclusively to them. You could have this case, and it might be made as apparent as noonday that one member of that legislature had been bribed in casting his vote for a Senator, and that five who sat beside him held their seats by bribing the electors who sent them there, and we, sitting as the high court to purify all the people, would be compelled under this English law to turn out the man because one elector had been bribed, but we could not turn him out, although it were as clear as noonday that five others beside him had corrupted the fountain of power and held their seats by bribery.

Mr. Preident, the people are the fountain of power, and the lesson we must teach in this case in this—and it is high time it was being taught here and elsewhere—that the people themselves are responsible for bribery and corruption in legislative assemblies. We are not to sit here as a high court of appeal, blackening forever the characters of members of the State legislatures without a hearing, saying that they were bribed. We must say to the people, "If you will not exercise that power which is inherent in you, and exercise it at every stage where it may be exercised, from the primary meeting up to the higest election, you are the sufferers, and you have the remedy for the evil in your hands." I may speak further of this, for I find that I am already digressing somewhat from the line of argument which I proposed to follow.

Does this rule apply to an election by a State, by a political entity, upon which there cannot be inflicted the punishment that was inflicted upon constituency and member of the English parliamentary law?

I consider now the peculiar constitution of this body—the rules which govern it in its relations to the States. I need not recall the history of the constitution of this body. I need not recall to the minds of Senators the fact that the rights of the States as States were sought to be protected in this body against the encroachments of the Federal Government; but I do call attention for a few moments, although the detail may be, perhaps, uninteresting, to the constitutional provisions, all of which point to the sanctity of the representation of States. Article one, section three, of the Constitution reads as follows:

> The Senate of the United States, shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

I refrain from any comment upon these separate provisions until I group all which I think bear upon this subject. In the same section, after providing for the manner in which the seats of Senators were to be drawn in the first organization of the Government, this provision occurs:

> And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Then follow the qualifications of the members of the Senate:

> No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Then follows the provision authorizing the States to fix "the times, places, and manner of holding elections for Senators and Representatives," but providing that "Congress may at any time, by law, make or alter such regulations, except to the places of choosing Senators." Then comes the provision—

> Each House shall be the judge of the election, returns and qualifications of its own members, and a majority of each constitute a quorum to do business.

Again we have the provision:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Thus we have all these provisions with reference to the choice of Senators; to their appointment by the governor; to their qualifications; to the time, places, and manner of choosing them; to the power of the body to judge of their election, returns, and qualifications; to the power of expulsion, requiring two-thirds; and, last of all, comes that provision which shows how carefully guarded the rights of the States were in this instrument, because the only exception made from all the classes of subjects within the jurisdiction of the General Government as to the power of amendment is, that no amendment shall be adopted which shall deprive a State of its Senators without unanimous consent. It is the only one subject excepted expressly from the powers of amendment, showing that the right of a State to have its Senators here, elected by its legislature, cannot be taken from it unless it be by the consent not only of that State but of all the States.

Now, sir, with these provisions before us, let us ask ourselves, can you apply to the State legislature the rules which the House of Commons applies to its constituency and its members, and declare that if one member, representing perhaps twenty thousand people of the whole four and a half millions in the State of New York, shall betray his trust, the act of that unworthy member shall deprive more than four millions of their right to representation in this body? Which is the safer rule, Mr. President, to hand that unworthy member over to be dealt with by his constituency, or to say that we will arrogate to ourselves a greater degree of purity than the legislative bodies which sent us here—than the fountains from which we come—and that we will undertake to determine the purity of our own source of political existence?

That this could never have been intended to apply to elections of members of the Senate, I think derives some re-enforcement from what I consider a significant fact. There have been contested seats in the Senate almost from the foundation of the Government; there have been contested seats in the other House; and the acts of Congress which you find upon your statute-books providing how the testimony is to be gotten in cases of contested elections, the acts of 1851 and 1869, apply alone to members of the House of Representatives. It is true that you may inquire into the qualifications of the electors; you may inquire whether a man has paid his taxes, whether he has resided the constitutional period in his district, or any of the other qualifications that are required by State law; but the moment you approach a legislative body, as I have already observed, that analogy fails; and if there be all the virtue in the world on one side of the legislature, and all horse thieves on the other, if it were possible, you cannot inquire into the character of a single man among them. When you reach the legislature, you cannot inquire into the title of one of them to his seat or his right to vote in that legislature. This is settled by the legislature itself. So that all analogies fail the moment you come to apply the rules which are applied in contested elections in the popular branch, the House, to an election by a legislature.

If this door is to be opened, how far are we to go? If it be true that we may go to the legislature of Kansas, and inquire whether Bayers or any of its members were corrupted for the purpose of electing Mr. Caldwell, and, upon our judgment of whether that is the fact or not, set aside that election, what more is it than establishing that we may set aside such an election for any reason that we deem to be corrupt or improper? Take the English bribery laws, and they unseat members there for treating, and I am sure that high as the Senate of the United States must be considered to be in point of moral elevation, if it is to purify all the legislatures of the States, there are even men here who would be willing to be unseated if it were shown that they had indulged their constituents in a glass or even a keg of lager. We may not carry our rule so far as the English Parliament. We may not bring here all the rules which they have considered necessary in a country where, according to the author from whom I read, fraud has been so prevalent that every parliamentary election is contested. We cannot do that. If we can, I pray you, where are we to stop?

If I may do it without offense, suppose I make use of a case as an illustration that we have had on this floor within the last three weeks.

The allegation is that if you find one man in a legislature who has been influenced by mercenary motives—I will put it even in that form—you must declare that election void. Well, sir, suppose there was an election for Senator to come off in the State of Indiana, or in the State of Illinois, or in the State of Ohio, next January. We discussed here for several days a bill involving a million and a half of dollars to these three States. That is all—simply "the filthy lucre" of a million and a half of dollars. The representatives of those States, upon grounds of justice, as they contended, asked the passage of the law to give it to them. The majority of the Senate upon proper motives refused it, said it was wrong, against public policy; I am not sure but that some of them went so far as to say it was dishonest. Questions less than that have convulsed States, and elections have turned upon them; and if this question were to go down and enter into the next canvass in the State of Illinois, or the State of Indiana, and the whole people of Illinois or Indiana were to say, "We will have the money; it is due to us, and we will instruct our Senators upon this money question." I submit if we are to be the judges of the motives of men, we, a bare majority, as under this resolution, may say that the legislature of Indiana was corrupted by its share of the million and a half, and the Senator shall never take his seat. How far are you to go? What is corrupt motive? How many men in a legislature are to combine together for the purpose of carrying this, that, or the other local interest, to elect their Senator and send him here to represent it? Why, sir, it opens the widest and the most dangerous field that has ever yet been opened in the experiments of American politics.

Let me call attention very briefly to a case which has been referred to in this argument—the case of Fletcher *vs.* Peck. It is a very familiar case to the profession. I do not propose to read it at length; but let me state briefly what it was. Two private suitors were in court, and their case drew in question the validity of an act of the legislature of Georgia. They did not ask the court to investigate whether it had been procured by corrupt motives. That was hardly necessary, for a subsequent legislature of Georgia itself, looking into the transaction with reference to the sale of the Cherokee lands in that State, were so well satisfied that the whole legislature was corrupted by the interest the members held in the subject upon which they legislated, that they so declared upon the records, and expunged the act from the statute-book. Here was a clear case. The power which had created the law had declared that it was procured by corruption; and yet, in that case, involving private rights, the Supreme Court of the United States said they must take that act of the legislature as the law; that it was not seemly or decent in the judiciary to inquire whether the legislative department of any portion of the country was corrupted. The court refused to look into it, and sustained the title based upon that act, which was almost consigned to be burned by the common hangman under the indignation which its corruption excited in Georgia. The court, in delivering that opinion, do intimate that the State might, perhaps, where it had been defrauded, ask that such an act be set aside. They do not say that they would entertain the jurisdiction then; but that dictum is thrown out in the decision of the case.

Following even that intimation, look at what the legislature of Kansas have sent us here. They investigated this subject; they had the question before them of whether Mr. Pomeroy and Mr. Caldwell had been elected by bribery. What do they do? Do they ask us to unseat them because they find that they were so elected? No, sir; they simply send us the testimony for our information; that is all. So, even if we were to take hold of the suggestion in this case and say that the legislature of Kansas has invited us to look into the subject, we are still left to the question, what is the legitimate consequence following the facts which are laid before us? Do they invalidate this election, or do they simply make the member whom they have sent amenable to our jurisdiction by expulsion? No, sir; they cannot invalidate this election. If they can if you can go into the motives of the individual members of a legislative body, let me ask you, Mr. President, to look at the results which are to follow. I have already spoken in some slight degree of them, but suppose another case.

Suppose that Mr. Caldwell, while he holds his seat, were to die; suppose we were to expel him to-morrow, and the vacancy occasioned either by his death or his expulsion were to be filled by the governor of Kansas, under the Constitution, all that is necessary if you invoke this power is to bring some man here to say that the governor was influenced by corrupt motives in making the appointment. Here you have the power of the State concentrated in the hands of one man, and he is the only organ through which the State can act. Unless the vacancy is filled by him and through him, the State must remain unrepresented. If you set up this as the court of appeal, to pass upon the motives of the persons by whose acts our seats are to be filled in this chamber, the Senate of the United States may effectually deny any State the right to representation whose Senator presents such appointment. The Constitution never intended any such thing.

Let me go further. If you may look into the motives of the members of legislative assemblies, we have constitutional amendments which are ratified by the votes of the legislatures of three fourths of the States, and their votes are just as necessary in that case as the votes of a legislature are to elect a Senator; and if you may investigate the legislature of Georgia or Arkansas, or New York or Delaware, and say that A, B, and C were influenced by corrupt or mercenary motives, that somebody bribed them to vote for the constitutional amendments, what are these amendments worth?

You may ask me what tribunal is to try that. I say, Mr. President, that, if the rule under discussion is adopted, tribunals will be found to try all these questions. It is alleged that the constitutional provision making us the judges of elections will authorize us to go into this election. Well, sir, the constitutional provision which gives to the judges jurisdiction of all questions arising under the Constitution and laws of the United States will soon take there a question involving the validity of the fourteenth amendment to the Constitution; and if you declare that the Senate may inquire into the purity of motive of legislative bodies in the States, it will not be long until the judiciary will say that they, traditionally the purest department in all governments, will inquire into the motives of the legislature.

And, yet further: Suppose there be a failure to elect a President by the people of the United States, and the election goes into the House of Representatives, where the vote is given by States, each State casting one vote; carry this doctrine, imported from British parliamentary law into American law, and prove that one member of delegation of the New York was bribed, and in the absence of a provision for contesting the election of President of the United States, you have anarchy before you at once.

We represent the States; our action is but the aggregate action of all the States; and if this doctrine be true that the action of a State may be invalidated by the corrupt motive of one representative, why not set aside a treaty which has vitality given to it by the action of all the States, by simply showing that the Senator of one State was actuated by corrupt or improper motives? I see no answer to this; and if the one doctrine be true, the other is true as its logical consequence. But it is not true; for, once established, it would disturb the balances and checks provided by our fathers for the harmonious working of this complex system of government.

It is all resolved by the fundamental principle that all power is inherent in the people. To them you must look for the correction of these evils. And, sir, if the business men of this country, the farming community, the merchants and manufacturers, the industrious working classes of all occupations, who make up the majority of honest men in all communities, cannot have their attention drawn to the importance of their becoming politicians—politicians in the proper sense of the term; if, by their inefficiency and neglect, these things go on, we have no other fate before us than to realize that republican government is a failure, and that the fancy of the poet will find its realization here:

> First freedom, and then glory; when that fails,
> Wealth, vice, corruption, barbarism at last.

I have argued that we cannot go into this question; but if we can, then what must we find? I say not that one man was corrupted, not that the member himself was guilty of bribery, for the purpose of setting aside his election; but you must find that the majority by which he was elected was corrupted; otherwise you open a harvest for corruption all over this land at which bad men will rejoice. Why, sir, if one vote in Kansas proven to be corrupt can set aside an election. Heaven knows that in the state of things which has been revealed there in the last year or two, there will a pæan of joy go up throughout the State every time you declare an election invalid, for it will bring a new victim for the harpies to prey upon, and they would come up here by the score after every election, for the purpose of proving one man to have been corrupted, in order to have another chance for the spoils of an election.

No, sir; we must hold them responsible, and teach them that the remedy is in their hands, and that, if they will not exercise it, they cannot come to us as a court of appeal for the purpose of purifying them.

Now, sir, I call attention (and it is all I propose to do on that subject) to what I have already read from the report, to show that, if a majority must be shown to be corrupt, then the report itself fails to find that result. It does find that Carney's friends were not corrupted, and it fails to find that there was a majority in the legislature corrupted. So that in no point of view can I see that the resolution attached to this report can be sustained upon any solid, well-matured, well-considered judgment of the law and history of parliamentary proceeding.

If correct is this, it brings us to the more painful question in this case. If English law is not applicable to elections by a State legislature, or if it be true that it is to a certain extent, and that if you find less than a majority to be corrupt, you may not declare the election to be invalid, what remedy have we? Is it so that we cannot rid ourselves of a man who by his acts would poison the fountain of political power? No, Mr. President; the clause of the Constitution which I have read, requiring two-thirds of this body, two-thirds of the representatives of the States, to concur before any State shall be deprived of one of its representatives, is the repository of the power which we can exercise, if there is ground to exercise it, and that brings us, as I have already said, to the painful question in this case.

I may be permitted to say that I approach this part of the subject with peculiarly painful feelings. Mr. Caldwell is a native of the county in which I live: he is the son of an honored father. His father was honored among business men, horored among patriots in his life. When his country called him, he gave up his business, and, at the head of a company of my fellow-citizens, went into the Mexican war. He returned from it shattered and broken in health, and, he now lies in a grave honored and respected by his fellow-citizens, because of the fragrant memories that surround his name. When his son came here, I greeted him gladly; learning that he was a business man—one who by his industry and energy had exalted himself in the estimation of his fellow-citizens of Kansas. And, sir, permit, me, in passing, to say that I cannot consent that the fact that he had not hitherto been known in politics is to be urged against him as a reason why we should conclude that he was guilty of bribery.—Why, Mr. President, the time has been in some States, and I trust it may not be long until it shall be so in all, when the people came to the conclusion that because a man has been useful, honest, and honored and successful in his business, that is the best reason why he should go to the Senate. And, if political *status* in Kansas is properly represented by such political lazzaroni as have surrounded and victimized this man, and have brought this case here, it is the best reason in the world why political *status* there should exclude a man from this body.

Take Carney and Clarke as they stand upon this record. I do not know them, but I take them as they have portrayed themselves. Read the speech of Carney, the presiding officer at the meeting called by Caldwell's fellow-citizens after he was elected, congratulating them, the people, and the legislature who were there assembled, and wishing them great joy upon the election of his fellow-citizen, Caldwell. Look at him here trumpeting his own shame to the world, agreeing that he is a political trader, seeking a political following, making himself a candidate for no other purpose than to make merchandise of his principles and friends, and grab gold for getting out of the road of a rival; and Clarke saying himself that in his interview with Caldwell he declined to make an arrangement for the purpose of having his expenses paid, but that he should see Stevens, and any arrangement made with him would be satisfactory; and then look at him dogging the steps of Caldwell around this Capitol and never an interview ending without a reference to the $15,000 for expenses.—Heaven save us, Mr. President, if politicians of that stamp are to exclude the business men of Kansas from the Senate of the United States!

But I have been led off by this. This is no reason why Caldwell should be found guilty of bribery; and referring again to his history and to the associations that were connected with his name, I must say that, having found him here gentlemanly, correct, and honorable in his deportment, I approached this testimony with every predisposition in his favor. But, sir, duty must be done, and with Carney agreeing that he made the bargain for $15,000, with Mr. Caldwell himself agreeing that he paid the money, with the fact that all Carney's followers voted for Caldwell, with the fact that there is a dispute about $7,000 more, and that dispute is whether Carney got it for himself or whether it was left where members of the legislature carried it off as a bribe, and the fact that this $7,000 came from Mr. Smith, who was the recognized agent of Mr. Caldwell in making the negotiation with Carney—with these facts before me, discarding all the testimony that is hearsay and in conflict, discarding the testimony of all the doubtful men, discarding the testimony of men who had that turn of reputation which caused them to be approached for their votes with a bribe—throwing that all out of the question, while there is not enough here to invalidate the election, to set aside the act of the legislature of Kansas, under the law as I view it, I am painfully brought to the conclusion that Mr. Caldwell's business sagacity did not keep him out of the hands of men whom he should have avoided as lepers; and that, when he agreed to leave his business and go up to Topeka, he encountered the fate of the man who went down to Jerico; he fell among thieves. I wish I could say that he turned his back upon them. But, sir, my duty here will not permit me either to yield to that which the Senator from Illinois [Mr. Logan] referred to—the clamor which would demand an innocent victim—or to shield the dearest friend I have, if I think his act has a tendency to poison the fountain of our political life. With these feelings, and with this view of the testimony, not seeking to influence the action or the opinions of Senators who are now my fellow-judges and my fellow-jurors, I shall strive to approach the decision of the question with that stern sense of justice which will alike revolt from the sacrifice of a victim or the shielding of a friend.

What We Breathe.

The *Scientific American* says:—We have all heard of the Black Hole at Calcutta. It was a room eighteen feet square. In this room one hundred and forty-six persons were confined. It had but one window, and that a small one. Dr. Dunglison, in his "Elements of Hygiene," says: —"In less than an hour many of the prisoners were attacked with extreme difficulty of breathing; several were delirious, and the place was filled with incoherent ravings, in which the cry for water was predominant. This was handed to them by the sentinels, but without the effect of allaying their thirst. In less than four hours many were suffocated or died in delirium. In five hours the survivors, except those at the gate, were frantic and outrageous. At length, most of them became insensible. Eleven hours after they were imprisoned, twenty-three only of the one hundred and forty-six came out alive, and these were in a highly putrid fever."

There are many "black holes" like this used for sleeping-rooms, says the *London Co-operator*; the difference between them and the one at Calcutta is that they are not crammed quite so full of human beings. In a word, then, we may say a sleeping apartment should be large, lofty, and airy. It is a poor economy for health to have large and spacious parlors, and small, ill-ventilated bed-rooms. Fashion, however, is a reigning deity in this respect, and will, no doubt, continue to bear sway, notwithstanding our protest against her dominion.

You will scarcely drink after another person from the same glass, yet you will breathe over and over the same air, charged with the filth and poison of a hundred human bodies around you. You cannot bear to touch a dead body because it is so poisonous and polluting; but you can take right into your lungs, and consequently into your body, your system, those poisonous particles and noxious exhalations which the bodies around you have refused, and which have been cast into the atmosphere by their lungs, because the health of their bodies required them to be thrown off.

If the "timorously nice creatures who can scarcely set a foot on the ground," who are so delicate that they run distracted at the crawling of a worm, flying of a bat, or squeaking of a mouse, could see what they breathe at the midnight carousal, the very polite ball, and bright theatre, they would never be caught is such company again. Nay, if they could see what they breathe in their own dwellings, after the doors and windows had been closed a little while, they would soon keep open houses. More sickness is caused by vitiated air than can be named. It is one of the most prominent causes of scrofula which is but another name for half the diseases that attack the human body. It vitiates and destroys the whole fountain of life—the blood.

In the sick room it often augments the disease, or renders it incurable. If the physician comes in and opens a window, or a door stands ajar for a moment the good nurse, or the tender mother, or the kind wife, or the loving sister, will fly up and close it as though the life of the sick were at stake. All this is well-meant kindness, but really cruel.

If you would have health, breathe fresh air; open your windows every morning, and often during the day; leave off your mufflers from the chin. For twenty years I was accustomed to never going out without a handkerchief tied closely around the mouth, and for nearly that period have left it off. I have had fewer colds and suffer far less from changes of climate than previously. Let the air into your bed-rooms; you cannot have too much of it, provided it does not blow directly upon you.

DON'T be afraid, boys, of learning a trade. Dr. Dio Lewis says: "Of all the men with whom we deal, none are so strong, self-contained and independent as the 'skilled laborers.' They have everything pretty much their own way. With a few exceptions, our doctors and lawyers are comparatively poor and hard pushed. It is so distressing to be called upon to pay rent and grocery bills, and then sit down with your small ledger and try to pick out the patrons from whom you can urge payment without loss of business. It is so humilitating to be obliged to maintain a certain style, on account of your being a professional man, when you know you can't afford it, and when you are obliged to turn away the importunate tradesman or market man with a "Can't pay you now, you must call again."

WE ONCE saw a young man gazing at the *ry heavens, with a † in 1 [hand] and a [brace] of pistols in the other. We endeavored to attract his attention by referring to a ¶ in a paper held in 1 [hand] relating 2 a man in that § of the country, who had left home in a state of mental derangement. He dropped the † and pistols from his [hands] with the ! "It is I of whom U read. I left home b4 my friends knew of my design. I had s0 the [hand] of a girl, who refused to lis10 2 me, but smiled b9ly on another. I——ed madly from the house, uttering a wild ! to the god of love, and without replying to the ??? of my friends, came here with this † & [brace] of pistols to put a . to my existence. My case has no ‖ in this §.'

THERE is a man in this town so homely he can't sleep of night—his face aches so.

MOST men like to see themselves in print. Ladies like to see themselves in silks and velvet.

WHAT requires more philosophy than taking things as they come? Parting with things as they go.

WONDERFUL things on the wing—Flying reports.