Democratic Sentinel

FRIDAY APRIL 4 1889

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The C. B. & Q. has reduced wages of employes from $1.15 a day to 92 cents. Republican prosperity!

The stealings of Sullivan, late clerk of Marion county, amount to over $47,000

The Chicago election, Tuesday, resulted in a complete Democratic victory. The labor element having failed to realize the good times promised to follow Harrison's elevation united with Democracy to down the "twin relics"—Socialism and Republicanism.

Webb Hayes, too, son of the Presidential fraud, is an applicant for place under the existing administration. True, Hayes' title was bad, but then Harrison, as the beneficiary of Dudley's crime, will regard his own title is little better, and will therefore appoint him as a member of the royal line.

Evansville, too, has wheeled into the Democratic column, and the Democrats of that city are correspondingly happy.

The managers of the late Winamac Prefect have disposed of the office to other parties who will revive it for a while under the name of the "Pulaski County Democrat.' The Democratic Journal is a good paper, has been faithful to the Democracy, and the demise of the Prefect would indicate that there is not room for two Democratic papers in that county. May the Democratic Journal wave.

Rev. R. V. Hunter, of Indianapolis, announces that he is as much in favor of prosecuting republican as democratic rascals, has not a particle of doubt about the guilt of Dudley, and says if the law does not reach him it ought to be changed; at the same time he feels he is not competent to criticise Judge Woods. Whereupon the Indianapolis Sentinel makes the following ringing response:

"But he is too modest by half in his assumption that he is not competent to criticise Judge Woods' rulings on points of law. The law is not a mystery. It is not an occult science. It is founded in common sense, and common sense is the best guide in its interpretation. When the law says, in so many words, that is a crime to advise bribery, we may be very sure that the law means advising bribery is a crime, and means nothing else. A hundred pettifogging judges could not make it otherwise. And if a judge rules one way when a democrat is brought before him, and the other way when republicans are brought before him, precisely the same point being involved in each case, it needs no lawyer to see that he is not an honest judge, and that, of his two rulings, the one which operates to protect crime and defeat the object of the law is, in reality, not the law."

Judge Woods, of the Federal court, is not just now employing his time in censuring the grand jury for failure to find indictments against violators of the election laws, as he did in the cases of Coy and Bernhamer; nor is it probable that he will assume the role of prosecutor in cases that may come up for trial, as in those named. But he is engaged in quashing indictments by the wholesale. Referring to Judge Woods' action the Indianapolis News, republican, says:

"The form of indictment returned in the election cases sets forth that the defendants "at an election for a Representative in Congress of the United States * * did unlawfully vote at said election," etc., etc., or "having offered to vote at said election,' etc.—According to the court this is not sufficient; that it should be stated in the indictment that defendant voted unlawfully for Congressman, before a federal offense is constituted. The indictment contemplates but one election—that for Congressman, and then it plainly charges that at "said election" the offense was committed. What could be plainer to common sense we can not conceive. It is not alleged that there was an election for President, or Governor, or State officers, or Legislature, but only for Congressman, and then in saying that in voting at "said election" it will strike the average man that the very allegation is made which the court holds is not made, and the emission of which constitutes a defect. Grant it for argument. Why doesn't the Court remedy the defect? It is retorted that it is not the Court's business to remedy such defects. The Court made it its business in the Coy case. Every avenue of approach was tried and every defect of process corrected to reach Coy; but when scores of Republicans are indicted an alleged "defect" opens the door to their escape.—These men were indicted by a mixed jury of Republicans and Democrats That jury thought the evidence of their guilt sufficient to hold them; but now they go; the court does nothing; the Government attorney declares he will do nothing. This thing is a shame, an outrage, a disgrace, and public opinion should rebuke it and see that the nerveless hands of justice are strengthened."

A Democratic paper could not have placed the situation before the public more truthfully.

CLAYPOOL vs. WOODS.

We make the following extracts from a published interview with Judge Claypool:

"Judge Woods says in substance that it was possible only under the law as defined in his second instructions to indict Dudley. If the judge had adhered to his first instructions Dudley would have been indicted, and if he had never instructed the jury that to attempt to vote without having the legal right to vote and to attempt to bribe, were not crimes, there would have been scores more of indictments to quash. His last instructions rendered it practically impossible to indict Dudley, as in all such cases it would be under such interpretation of the law.—Dudley might have gone into a town meeting, or at some grand reception and publicly advocated and advised bribery without danger on account of so advising, and with a bare possibility of danger on other grounds, owing to the fact that it would be practically impossible to trace the results of such advising, however much—that is any particular act of—bribery back to the fountain head of villainy—to the 'instigator.' The purpose of congress seemed to be to afford every possible protection to the purity of elections, but if to 'attempt to vote illegally' and 'to attempt to bribe' and 'to advise bribery' are not crimes, the efficiency of the law to protect elections is destroyed. A person, under such construction of the statute, can go from place to place attempting to vote illegally, attempting to bribe voters, and 'advising bribery, all publicly and without danger. Such a construction is an encouragement to election frauds. Where, in such a law, does 'some wisdom' appear?

Judge Claypool then invites the attention of lawyers to the law, as follows:

"In this connection I submit a few words for the legal profession, and invoke the attention and judgment of lawyers here and everywhere. Is it true that a person who attempts to vote illegally—that is, attempts to vote 'at a place where he may not lawfully be entitled to a vote, or 'attempts to vote without having a lawful right to vote'—ir not guilty of a crime under sec. 5,511? Judge Woods answers no. I say, yes. To prove myself right I invite attention to secs. 2,022, 2,023, 5,514 and incidentally 5,512 Read these sections and see who is right. Let it be borne in mind that these sections are all taken from original acts of May 31, 1870, and Feb. 8, 1871. Let it be borne in mind that the latter act is, in part, mandatory of and in part supplemental to the first act, and that they must, therefore, be construed together. In this connection it will add force to see how the original phraseology stood in the original sections, before changed for the purpose of codification. Sec. 2,022 commands the marshal and his deputies at the polls, among other things, to 'prevent fraudulent voting,' and to arrest any person who ommits or ATTEMPTS or offers to commit any of the acts or offenses prohibited herein' (in the original 'prohibited by this act or the act hereby amended,' which act contains 5,511) or who 'commits any offense against the laws of the United States,' if the offense is committed in the presence of the marshal or his deputies. Sec. 2,023 commands that when an arrest is made the person arrested shall be carried before a U. S. commissioner or judge or court 'for examination of the offense alleged against' the person arrested. Can there be any doubt that under the provisions of this law a marshal and his deputies are commanded to arrest anyone whom they might see attempting to vote illegally, or attempting to bribe voters, and also commanded to carry the person so arrested before a court or officer to be dealt with on a charge of an 'offense alleged against' him? If Judge Woods is right in his construction, no charge could be made for an attempt to vote illegally, or for an attempt to bribe, notwithstanding illegal voting and bribery are both crimes denounced by sec. 5,511, and notwithstanding the command is to arrest for any 'attempt' or offer to commit these or any other offenses denounced by the statute. Sec. 5,514 declares what 'shall be sufficient prima-facia evidence to convict any person charged with offering to vote unlawfully. But, according to the ruling of Judge Woods, no such charge can be made. Is he right in this ruling? Is it not perfectly clear that an attempt to vote, illegally, at an election for a representative in congress is a crime under sec. 5,511? Would the judge again instruct that it was not? If it be admitted that such attempt to vote is a crime, as it must be admitted, then 'an attepmt to bribe' must also be a crime. Both depend upon the same language in the same section, and for like reason advising bribery' is a crime."

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