A GREAT QUASHER QUASHED.

[From 1st page.]

"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 o 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. 28, 1871. Let it be borne in mind that the latter act is, in part, amendatory 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 commits 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."

"To knowingly attempt to vote illegally,' 'to attempt to bribe voters' and 'to advise bribery of voters' are all morally wrong. Each ought to have been made a crime if it has not been done. In his first instructions to the grand jury Judge Woods decided that the first two acts were made crimes, but the third was not made a crime. This, as he says he reserved for further investigation, and in his second instructions he decided, after further investigation, that the third also was no crime. If caution had moved in another line it would have been better. If he had reserved the first two propositions for further investigation it would have been better. It would have been better if his caution had been led by a desire to bring moral offenders to punishment, to see to it that no guilty man should escape. Better to have been thus cautious than to have been so cautious lest some person or persons guilty of great moral wrong might possibly be indicted technically incorrect. There is no wrong in caution in such matters. But caution in two directions would have been well. In three controverted questions of law the judge fell on the side of wrong-doers in each case. Caution! Caution!!—Caution!!! And by departing from the law as laid down by himself in the case of the United States vs Mc Bosley, and following the decisions of courts whose decisions were not controlling authority to govern his conduct, he has quashed more than a hundred indictments. Those indictments were good according to [illegible] long in use in the U. S. district c[illegible] for Indiana. The form in substance charged that 'at an election for a representative in congress' the person accused voted ill gally etc. Such form is supposed to be defective because it did not in terms expressly charge that the vote cast wa for a representative in congress, to negative the inference, as I suppose, that a voter, at an election for representative in congress' might have voted for a constable, road supervisor or some other officer

[Concluded on page 4th.]

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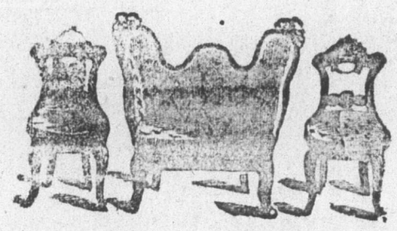

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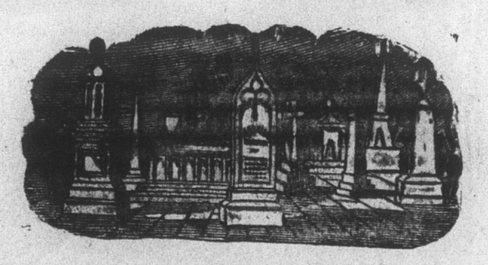

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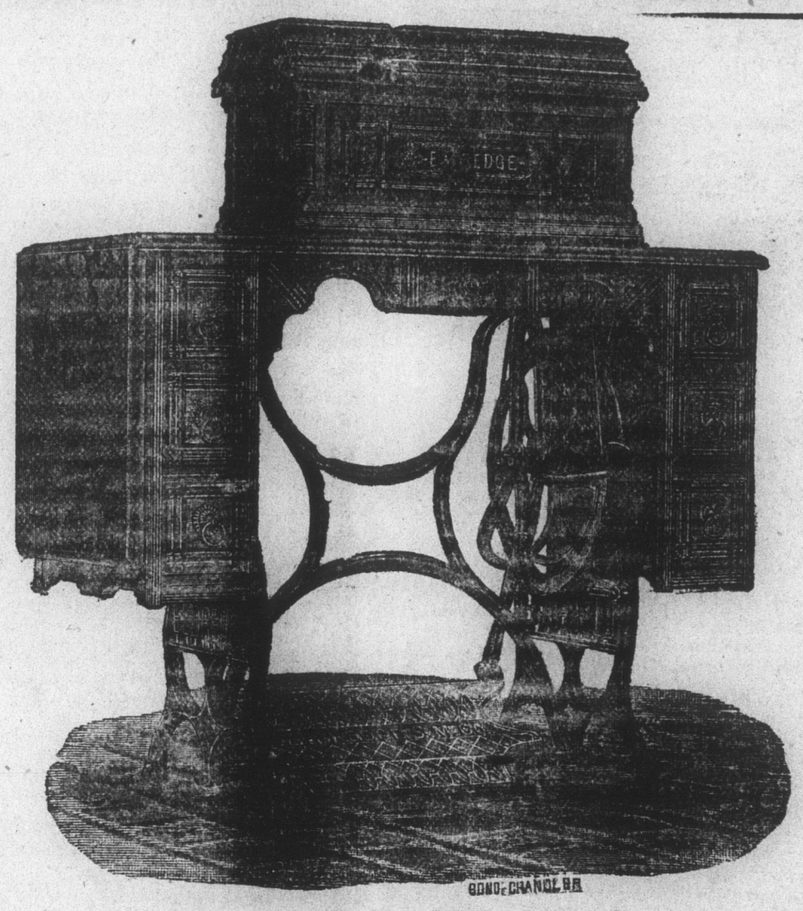

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