

shall be conclusive evidence in the prosecution against [the] receiver that the property of the United States therein described has been embezzled, stolen, or purloined,” held to contravene the Sixth Amendment.

*Kirby v. United States*, 174 U.S. 47 (1899).

Concurring: Harlan, Gray, Shiras, White, Peckham, Fuller, C.J.

Dissenting: Brown, McKenna

23. Act of July 12, 1876 (19 Stat. 80, § 6, in part)

Provision that “postmasters of the first, second, and third classes . . . may be removed by the President by and with the advice and consent of the Senate,” held to infringe the executive power under Article II, § 1, clause 1.

*Myers v. United States*, 272 U.S. 52 (1926).

Concurring: Taft, C.J., Van Devanter, Sutherland, Butler, Sanford, Stone

Dissenting: Holmes, McReynolds, Brandeis

24. Act of August 11, 1888 (25 Stat. 411)

Directive, in a provision for the purchase or condemnation of a certain lock and dam in the Monongahela River, that “. . . in estimating the sum to be paid by the United States, the franchise of said corporation to collect tolls shall not be considered or estimated . . .,” held to contravene the Fifth Amendment.

*Monongahela Navigation Co. v. United States*, 148 U.S. 312 (1893).

25. Act of May 5, 1892 (27 Stat. 25, § 4)

Provision of a Chinese exclusion act, that Chinese persons “convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period not exceeding 1 year and thereafter removed from the United States . . .” (such conviction and judgment being had before a justice, judge, or commissioner upon a summary hearing), held to contravene the Fifth and Sixth Amendments.

*Wong Wing v. United States*, 163 U.S. 228 (1896).

Concurring: Shiras, Harlan, Gray, Brown, White, Peckham, Fuller, C.J.

Concurring in part and dissenting in part: Field

26. Joint Resolution of August 4, 1894 (28 Stat. 1018, No. 41)

Provision authorizing the Secretary of the Interior to approve a second lease of certain land by an Indian chief in Minnesota (granted to lessor’s ancestor by art. 9 of a treaty with the Chippewa Indians), held an interference with judicial interpretation of treaties under Article III, § 2, clause 1 (and repugnant to the Fifth Amendment).