

The Daily Journal.

ESTABLISHED, 1851.

WILMINGTON, N. C., SUNDAY MORNING, FEBRUARY 11, 1877.

PRICE \$6 00.

THE TELEGRAMS.

NEWS OF THE WORLD.

Electoral Commission File their Opinion Giving Florida to Hayes.

ACCEPTED BY THE SENATE.

GOV. STEARNS ON THE STAND.

Noon Reports.

WASHINGTON.

WASHINGTON, Feb. 10.—The committee appointed to draft a report of the decision of the commission with a brief statement of the reasons therefor, were Edmunds, Bradley and Miller.

The third reason attracts great attention.

Third—In regard to the alleged ineligibility of F. C. Humphrey, there was not sufficient proof that he held office on the 7th of November. It may be held that the election by the college of Louisiana cured the ineligibility of Levisser and Brewster, but in the case of Watts, of Oregon, the revised statutes declare him Postmaster, when he cast his vote for Hayes, notwithstanding his resignation and its acceptance.

The Powers and Privileges committee have examined Postmaster General Lyner, who produced from the files of the department all the papers bearing on Watts' resignation, which show that Watts resigned by telegraph on Nov. 13th, and a telegraphic acceptance was sent by the Postmaster-General Nov. 14th, of the written resignation to special agent Underwood. It was not received at the department until Dec. 9. The records of the department show that Henry W. Hill was appointed as Watts' successor, November 23d. Hill's bond was forwarded to him on December 11th, and was retained and approved January 3, 1877, on which day his commission was sent to him by the special agent. He took charge of Watts' office on the 14th of November, and received for all government property and removed the postoffice to another building.

Gov. Stearns on the stand.

Q.—Why did you as Governor, telegraph to the President for advice of a party character?
A.—Because I knew the President had acted in such a way in regard to other States.

The joint session has convened and the result as reported last night was announced. The crowded galleries are full.

After the reading of the report, representatives Field presented objections signed by the required number of senators and representatives.

This involves a separation of the Houses for consideration and will delay the progress of the court. All interest in the case has ceased for today.

Night Reports.

WASHINGTON.

WASHINGTON, Feb. 10.—Rear Admiral Theo. Bailey, is dead; aged 74 years.

JOINT SESSION.

The President of the Senate ordered the following read:

ELECTORAL COMMISSION.

WASHINGTON, D. C., Feb. 9, 1877.

To the President of the Senate of the United States—Presiding—In the meeting of the two houses of Congress, under the act of Congress, entitled, "an act to provide for, and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, for the term terminating March 4th, 1877," approved January 29th, 1877. The Electoral Commission mentioned in said act having received certain certificates, and papers purporting to be

certificates, and papers accompanying the same, of the electoral votes of the State of Florida, and the obligations thereon, submitted to under said act, now report that it has duly considered the same pursuant to said act, and has decided, and do hereby decide, that the votes of Frederick C. Humphrey, Chas. H. Pearce, Wm. H. Holden and Thos. W. Long, named in the certificates of M. L. Stearns, Governor of said State, which votes are certified to by said persons as appears by the certificates submitted to the commission as aforesaid, and marked number one by said commission and herewith returned, are the votes provided for by the Constitution of the United States, and that the same are lawfully to be counted as therein certified, namely, four votes for Rutherford B. Hayes, of the State of Ohio, for President, and four votes for William A. Wheeler, of the State of New York, for Vice-President. The commission also has decided, and hereby decides and reports that the four persons first there named, were duly appointed electors in and by the said State of Florida. The ground of this decision stated briefly as required by said act, is as follows:

That it is not competent under the Constitution and the law as it existed at the date of the passage of said act to go into evidence *alibunde* the papers opened by the President of the Senate in the presence of the two Houses to prove that other persons than those regularly certified by the Governor of the State of Florida in and according to the determination and declaration of their appointment by the board of State canvassers of said State prior to the time required for the performance of their duties had been appointed electors or by counterpart to show that they had not, and that all proceedings of the Courts or acts of the Legislature or of the executive of Florida subsequent to the casting of the votes of the electors on the prescribed day, are inadmissible for any such purpose.

As to the objection made to the eligibility of Mr. Humphrey the committee is of the opinion that without reference to the question of the effect of the vote of an ineligible elector the evidence does not show that he had the offer of shipping commissioner on the day the electors were appointed.

The commission has also decided, and does hereby decide and report that as a consequence of the foregoing and upon the grounds stated, neither of the papers purporting to be certificates of the electoral votes of said State of Florida, numbered 2 and 3, by the commission, and herewith submitted, are the certificates or the votes provided for by the Constitution of the United States, and that they ought not to be counted as such.

Done at Washington, the 9th day of February, A. D. 1877.
(Signed) SAM'L F. MILLER,
W. E. TRUMBULL,
JOSEPH P. BRADLEY,
GEO. F. EDMUNDS,
O. P. MORTON,
FRANK F. FRELINGHUYSEN,
JAMES A. GARFIELD,
GEO. F. HOAR,
Commissioners.

The objection was then read and the joint session broke.

The House without further business took a recess to 12 o'clock Monday.

SENATE.—The President laid before the Senate the following:

WASHINGTON, D. C., Feb. 9, '77.

SIR:—I am directed by the electoral commission to inform the Senate that it has considered and decided upon the matter submitted to it under the act of Congress concerning the same, touching the electoral votes from the State of Florida and herewith, by direction of said commission, I transmit to the said decision in writing, signed by the members agreeing therein, to be read at the meeting of the two Houses, according to said act. All the certificates and papers sent to the commission by the President of the Senate are herewith returned.

NATHAN CHAFFIN,
President of the Commission.

To the Hon. Thomas W. Ferry,
President of the Senate.

The Senate, then repaired to the House and upon returning, the Secretary read the objections submitted.

A motion for a recess to Monday was urged by the Democrats, lost by 36 to 44—strict party vote.

Resolved, That the decision of the commission upon the electoral votes

of the State of Florida, and the obligations made thereon to the contrary notwithstanding.

Adopted by a strict party vote.

The Senate then took a recess to 10 o'clock.

An objection is interposed by the undersigned Senators and Representatives to the decision made by the commission, constituted by the act entitled, "an act to provide for, and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, for the term commencing March 4th, A. D. 1877," as to the true and legal votes of Florida, on the following grounds:

The decision determined that the votes cast by C. H. Pearce, F. C. Humphrey, W. H. Holden and T. W. Long, as electors of President and Vice-President of the United States, in and for or on behalf of the State of Florida, is the true and legal electoral vote of the said State, when in truth and in fact, the vote cast by Wilkinson Call, J. E. Young, Robt. E. Hilton and Robt. Bullock, is the true and lawful vote of said State. For that said commission refused to receive competent and material evidence tending to prove that C. H. Pearce, F. C. Humphrey, W. H. Holden and T. W. Long, were not appointed electors in the manner prescribed by the Legislature of the State of Florida, but were designated as electors by the returning board of said State, corruptly and fraudulently in disregard of law and with the intent, and with the intent to defeat the will of the people, expressed in the choice of Wilkinson Call, J. E. Young, R. C. Hilton and Robt. Bullock, who were duly, legally and regularly appointed electors by the State of Florida in the manner prescribed by the Legislature thereof.

Third—For that the decision aforesaid, was founded upon the resolution and order of said commission previously made, as follows:

Ordered, That no evidence will be read or considered by the commission which was not submitted to the joint convention of the two houses by the President of the Senate with the different certificates, except such as relates to the eligibility of F. H. Humphrey, one of the electors.

Fourth—That said decision excludes all the evidence taken by the two houses of Congress, by the committee of each house concerning frauds, errors and irregularities committed by the persons whose certificates are taken as proof of their due appointment as electors.

Fifth—That said decision excludes all evidence tending to prove that the certificates of Stearns, Governor, as also that of the board of state canvassers, was procured or given in pursuance of a fraudulent and corrupt conspiracy to cheat the State of Florida out of its rightful choice of electors, and to substitute therefor those who had not been chosen or appointed electors by said State, in the manner prescribed by the Legislature thereof.

Sixth—That said commission refused to recognize the rights of the Courts of the State of Florida to review and revise the judgment of the returning board or board of canvassers rendered through fraud without jurisdiction, and rejected and refused to consider the action of said Courts after their decision that Pearce, Humphreys, Holden and Long were not entitled to cast the electoral vote of the State of Florida, which said decision was rendered by a board of said State, lawfully brought before said Court, which Court had jurisdiction over the subject matter thereof, and whose jurisdiction over the said Pearce, Humphreys, Holden and Long, had attached before any acts were done by them as electors.

Seventh—For that said decision excludes all evidence tending to show that the State of Florida by all the departments of its government, legislative, judicial and executive, had decided as fraudulent all the certificates of Governor Stearns as well as that of the State canvassers, upon which certificates the said commission has acted, and by means of which the true electoral votes of Florida have been rejected and false ones substituted in their place.

Eighth—For that the count of the votes of Pearce, Humphreys, Holden and Long for President and Vice-President would be a violation of the Constitution of the United States.

Signed by Senators Jones, Cooper, Baran, Kean, S. M. Barry and McDonald, and Representatives Knott, F. D. Ho, man, Tucker, Thompson, Jones, Finley, Taylor, Ellis, Morrison, Hewitt and Springer.

LOCAL NEWS.

Professor J. W. Hartley.

As will be seen by the advertisement in this issue, Prof. J. W. Hartley will give an entertainment on tomorrow night at Masonic Hall, (Library room) consisting of "Dramatic and Dialect Personations." The Professor comes to us highly recommended by those of the literary of this and other States who have been so fortunate as to meet him. We feel assured that it will be an intellectual treat. The selections which form the programme are culled from high "standards" of the pathetic and humorous, thereby catering to the tastes of many, or the fancy of each.

The proper rendition of any piece, strikes the mind with much more pleasing effect than the usual or routine reading, which does no study the dramatic personae or the peculiar and marked surroundings of a scene. How often, in listening to the great personators (such as Forrest or Booth) of the characters of the English dramatist has it occurred to us, what little conception we had of the author's full meaning. The proceeds of the entertainment will accrue partially to the Library Association, under whose auspices it is given, being an additional good reason why there should be a large attendance.

In Addition

To the burning of the "brush heap" which caused an alarm of fire on yesterday morning (mention of which we make in another part of the paper) and simultaneous with it, there was an alarm given from the house of Mr. John W. Hopkins, corner of Third and Ann streets. It seems that while the family were in a room on the first floor, at breakfast, a spark from the fire-place in a bedroom on the second floor, popped on the bed, setting it a fire. Mr. H. himself, was not at home, and his wife was very much frightened, but his daughter, a young girl about fourteen years old, exhibited great presence of mind by throwing water upon the fire until it was put out, there by preventing what might have been a serious conflagration, as the locality is very thickly settled. There was an entire loss of the bedding. Insured in a company represented by Major J. A. Byrne.

Mary Anderson.

The above tragedienne who though a stranger to our people is yet proceeded by a reputation acquired in other cities. She will appear here in the character of Juliet on next Friday night, supported by a strong corps, one of whom is not unknown to Wilmington playgoers; Mr. Geo. C. Boniface, who it will be remembered was the leading character in the "Third Avenue Combination," which was here two seasons ago. The press wherever she has been speak in commendatory terms of her acting. We extract from the *Charleston News and Courier*, in which city she appeared on the 15th of January:

"In the last of the second act, it should be said, the dialogue with the nurse was capital. Miss Anderson here played charmingly and displayed a vivacity and variety of expression which she had not exhibited before. In the second scene of the third act, when Juliet receives the death of Capulet and the banishment of Romeo, the weeping of Miss Anderson was so fervent and sustained as could be desired, and equal praise is due for the heart-broken pleading to Old Capulet and Lady Capulet. It needed not this to show that, as a tragic actress, Miss Anderson has all the merits her friends have claimed for her. The leave-taking with Romeo we had well-nigh overlooked. In this short scene Miss Anderson shone brightly. Nothing was wanting to make it dramatically and artistically complete. So, too, when Juliet drinks the potion given her by Friar Lawrence. In this the audience were held breathless; the acting was almost painfully real, and the critical audience applauded it to the right. There was no flapping, and to the end of the tragedy Miss Anderson was conspicuously successful. Briefly, Miss Anderson is an actress of rare natural gifts and considerable training.

Stolen.

On yesterday, the wife of Mr. Wm. M. Hays, the foreman of our Job department, whose residence is on 7th between Mulberry and Walnut streets, left her home after locking it up, to pay a visit to a neighbor. She left a canary bird in a cage, hanging up on the back piazza, which place she usually kept it, and during her absence, which did not exceed twenty minutes, some one stole the bird and cage.

Sunday Services.

Worship in the various churches of the city to-day as follows:

St. Paul's Evang. Lutheran, corner of Sixth and Market streets, Rev. G. D. Herpheim pastor. German service at 11 a. m.; English service at 7 1/2 p. m. Sunday School at 3 p. m.; Weekly services on Wednesday at 7 1/2 p. m. Catechetical instruction on Friday at 3 1/2 p. m.

Second Baptist, on 6th between Church and Castle streets. Services at 11 a. m. and 7 1/2 p. m., by Rev. J. B. Barlow. Sunday School at 3 p. m. Regular Prayer meeting Tuesday evening at 7 1/2 o'clock.

First Baptist, corner of Market and Fifth streets, Rev. James B. Taylor pastor. Services at 11 a. m. and 7 1/2 p. m. Sunday School at 9 1/2 o'clock a. m. Sunday School Missionary Society will meet at 4 15 p. m.

St. Thomas' Catholic, Dock street, between Second and Third street. Morning Services at 7 and 10 a. m. Vespers at 7 1/2 p. m. Sunday School at 9 1/2 a. m.

Fifth Street Methodist E. (South), situated on Fifth, between Nun and Church streets, Rev. J. M. Rhodes pastor. Services at 11 a. m. and 7 1/2 p. m. Sabbath School at 9 1/2 a. m.

First Presbyterian, corner Third and Orange streets, Rev. Jos. R. Wilson, D. D., pastor. Regular services at 11 a. m. and 7 1/2 p. m. Dr. Wilson will continue his discourses on the Old Testament characters at the evening service.

St. John's, corner of Third and Red Cross street, Rev. C. J. Curtis officiating. Morning Prayer at 11 o'clock; Evening Prayer, 7 1/2 o'clock. Sunday School at 4.

Second Presbyterian, corner of Fourth and Campbell streets, Rev. C. M. Payne pastor. Services at 11 a. m. and 7 1/2 p. m. Sabbath School and Bible Class at 3 p. m.

St. James', corner of Market and Third streets, Rev. Dr. A. A. Watson rector. Septuagesima, Feb. 11, 1877; Celebration 8 a. m. Morning Prayer 11 o'clock a. m. Evening Prayer 4 1/2 a. m. Sunday School 3 p. m.

Front Street M. E. (South), corner of Front and Walnut streets, Rev. J. E. Mann pastor. Service every Sabbath at 11 a. m. and 7 1/2 p. m. Sabbath School at 3 p. m.

St. Paul's (Episcopal), corner of Fourth and Orange streets. Services at 11 a. m. and 7 1/2 p. m. Sunday School at 3 1/2 p. m. Rev. T. M. Ambler rector. Seats free.

First Congregational. Services every Sunday in Academy Hall, corner of Seventh and Nun streets, at 11 a. m. and 8 p. m. Sunday School at 3 p. m. Seamen's Bethel, on Dock between Front and Water streets. Rev. J. L. Keen, chaplain. Services at 11 a. m.

City Government.

The Committee of twenty to fix upon the bills to be submitted to the General Assembly for the government of the city met at the Court House last night at 7:30 o'clock.

There was quite a full attendance. Two bills were read and adopted, together with several amendments which were suggested in the meeting. The bills as now framed provide for an election in March and for the appointment of a Board of Audit and Finance.

Every confidence is felt in our ability under the election bills to elect six aldermen, and the bill to provide for the board of audit assures the most efficient administration of the city finances in any event.

Change in the Express.

Several changes in the office of the Southern Express Company, in this city, have recently been made. Mr. W. W. Allen, formerly of Danville, Va., now has charge, Mr. Keen running in this Company's service between this city and Charleston. Mr. Latham goes to Charleston, and Mr. Metz engages in other business in the city.

Mr. Allen's new assistants are Messrs. Lilly and Wolfe, the former having charge of the money department, and the latter of the freight.

Overtaken.

A countryman, Joseph Hines, was arrested yesterday for buying a half gallon of oil from Mr. West's Store and not paying for it. After receiving the oil, he got into his cart and drove off at a fast rate, but an officer caught him when near the Post Office, after a hard run. He cured the policeman who arrested him. Hines will appear before the Mayor on Monday.

The Fire.

Which occurred yesterday morning at 2 1/2 o'clock, destroyed three houses, an account of which appeared in this paper of yesterday. One owned by Mayor Canaday and insured for \$100, in the Home of New York, represented by Mr. Norwood Giles, Mr. C.'s loss is considerably above the insurance. Mr. Walcott was insured for \$600, on dwelling, and \$300 on furniture, in the London, Liverpool & Globe represented by Messrs. J. W. Gordon & Bro. We could not learn of any insurance on the house of the colored woman Jane Cowan.

False Alarm.

The alarm of fire on yesterday morning between 8 and 9 o'clock was caused by the burning of a "brush heap" on the lot of Mr. T. H. Howey, corner of 4th and Ann streets. Mr. Howey had a man employed digging up the garden, preparatory to planting, and he had put the stubble in a pile, and set fire to it, but remained to watch it. Some one seeing the smoke and blaze gave the alarm.

THE COURTS.

Mayor's Court.

James Whited, disorderly conduct and resisting police officer, fined \$5 and costs, or 10 days on the streets. Benjamin Robinson, failing to appear as a witness; fined \$10 and costs or 10 days in jail.

Thermometrical.

The state of the thermometer at the various stations named below is observed at the signal office in his city at 4:30 p. m.:

Augusta, 54; Charleston, 54; Galveston, 58; Jacksonville, 58; Mobile, 62; New Orleans, 63; Norfolk, 42; Savannah, 56; Wilmington, 53.

Market Report.

The following number of animals were slaughtered for this market during the past week: Beaves; 36 sheep, 0 calves, 7; hogs, 76; deer, 4.

Charity Hall.

We acknowledge the receipt of an invitation to a Charity Ball to be given at the City Hall, on Tuesday night, February 13th.

CITY CURRENCY.

For to-day, stationary or lower temperature.

One hundred and fifty-two carts arrived in market last week.

There has not been an interment in Oakdale cemetery for two weeks.

There was only one interment in Pine Forest cemetery for the week ending yesterday—that of a child.

The regular parade of the Wilmington Light Infantry will take place on Tuesday afternoon at 4 o'clock.

The petition of the citizens of Wilmington, praying the repeal of the Merchant's tax, was presented in the Senate on Friday and appropriately referred.

The suggestion of the removal of the remains of Cornelius Harnett, was first made by Talcott Burr Esq., while editor of the *Wilmington Herald* some twenty-two or twenty-three years ago, and shortly after the cemetery was opened. The first action of the Board of Directors of the Cemetery company, in reference thereto, was had on the 4th of January, 1876.

Index to New Advertisements.

O. G. Paraley—Lee's Prepared Lime.

Giles & Marchison—Remington Cast Steel Socket.

Wm. Fyfe—Embroideries.

John S. McEachern, Secretary—Meeting of Bellevue Cemetery company.

Opera House—Miss Mary Anderson, Friday night, Feb. 16.

Prof. J. W. Hartley—"Dramatic and Dialect Personations" at Masonic Hall, Monday night, Feb. 12.

Geo. Myers—Hathorn Spring Water, Younger's Edinburg Ale, Vienna Export Beer, Ginger Ale, Sherry Bitters, Whiskies, &c., &c.

Chas. D. Myers & Co.—Pay your bills and be happy. Flour and Butter.

We are aware of the importance of checking a cough or common cold in its first stage. That which in the beginning would yield to a mild remedy, if neglected, soon presses upon the lungs. Dr. Bill's Cough Syrup affords instant relief. Price, 25 cents.

NEW ADVERTISEMENTS.

OPERA HOUSE!

ONE NIGHT---FRIDAY, FEB. 16TH.

FIRST APPEARANCE IN THIS CITY of the brilliant young dramatic Star,

Miss Mary Anderson.

(Under the Management of Mr. John T. Ford),

AIDED BY THE POPULAR ACTORS,

Geo. C. Boniface,

Cyril Searle,

—AND—

A FIRST-CLASS DRAMATIC COMPANY,

FRIDAY EVENING.

SHAKESPEARE'S LOVE TRAGEDY

ROMEO AND JULIET!

Sale of seats will commence on Tuesday at Helmsberger's; secured seats \$1.50; admission \$1.00, for gallery 50 cents.

Feb. 11-56

MASONIC HALL.

Monday, Feb. 12th, 1877

DRAMATIC & DIALECT PERSONATIONS.

Prof. J. W. HARTLEY,

WILL GIVE ONE OF HIS POPULAR ENTERTAINMENTS, under the auspices of the LIBRARY ASSOCIATION, when he will render the following choice

PROGRAMME.

PART FIRST.

Horatius.....Macaulay

The New Church Organ.....Carlston

The Vagabonds.....Tombridge

Love in a Balloon.....Mosley

PART SECOND.

Scenes from Hamlet.....Shakespeare

Curfew shall not ring to-night.....Anonyma

Duck Fashaw's Funeral (by request).....Mark Twain

Admission 50 cents. To commence at 8 o'clock P. M.

Tickets at Helmsberger's and at the Library.

Feb. 11-77

LOW PRICES.

Tell the story!

10 Cases Hathorn Spring Water.

\$7 50 PER CASE.

Youngers Edinburg Ale,

\$2 00 PER DOZEN.

Viener Export Beer,

\$1 25 PER DOZEN.

Belfast Ginger Ale

\$1 35 PER DOZEN.

ROMANO SHERRY

The most elegant wine in the State,

at \$5 00 per gallon, bought at a sacrifice, worth really \$9 00 first hands.

10 Cases Globe Bitters,

50 CASES SOUR MASH POT STILL WHISKY,

THE SWEET MASH,

Is justly pronounced the best

Whiskey for \$3 00 in the State.

BLUE GRASS,

Speaks for itself.

We are exclusive agents for the celebrated

"BOKA" MIXED TEA,

Sold in elegant half pound boxes at 75 cents per pound.

Oolong and Imperial Teas.

At 50 cents per pound.

SCUPPEE WINE,

5 years old.

25 Acet. Spect. Pgs. Post.

All prepared for the table at

GEO. MYERS',

Feb. 11-77