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The Weekly Journal (Friday) ONE DOLLAR AND A HALF.

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The Daily Journal, CICERO W. HARRIS.

WILMINGTON, N. C. TUESDAY MORNING, FEB. 13, 1877.

THE COMMISSION'S POWERS. Now that the Electoral Commission has by a majority exactly in accordance with the party predictions of its members rendered a decision in the Florida case in favor of Hayes when it is well known that the popular majority was cast for Tilden and the canvass of the Electoral vote itself was decided in his favor, it may be well to consider the powers and duties with which the Commission was invested by Congress.

The act creating the Commission, besides making it the duty of the Commission "to consider" all the "certificates, votes and papers objected to, and all papers accompanying, together with the objections," empowers the commission "to take into view such petitions, depositions and other papers, if any, as shall, by the constitution and existing law, be competent and pertinent in such consideration."

The object of giving such latitude to the Commission in the admission of testimony is plain. It was to give to the Commission all the means and facilities for arriving at the facts of the case and rendering a just judgment therein which the two houses themselves possessed. The Commission stands in the place of the two houses, as their appointed delegates and instrument. Both houses at the beginning of the session, before the Electoral Commission was thought of, took steps to prepare themselves for the duty of counting the votes by sending committees to the disputed States to inquire into all the facts and circumstances connected with the Presidential election. Both houses sent such committees to Florida, and those committees reported, and the testimony taken by them under oath was before the houses on the day (February 1) appointed for counting the votes. There were in each case majority and minority reports, and the views of both parties were accordingly represented. All this testimony the houses would have considered had they proceeded to count the votes of Florida and to determine which was the true certificate to be counted. By its order limiting the evidence the majority of the Electoral Commission deliberately excluded from consideration all the testimony taken by those committees. They voted only to consider such evidence as came through the President of the Senate and was submitted by him to the joint convention "with the certificates." The report of the House committee, with the testimony taken by it, was submitted to the Commission with the "objection" filed to counting the votes of the Hayes electors. But it did not come naturally enough, "with the certificates," through the President of the Senate, and so is shut out. Yet can one question its "competency and pertinency" to the subject under consideration? Another paper both "competent and pertinent" to the consideration of the question whether the Hayes electors were appointed is the record of the judgment of the Circuit Court of Florida in the quo warranto proceeding against those very electors, expressly deciding that they were not appointed. Yet that "paper" is also shut out by the order adopted by the Republican majority of the Commission regulating the admission of testimony. Can any one fail to perceive why it was shut out? It will be seen that the Commission in effect hold that they had nothing to do with evidence outside of the certificate of the Governor of Florida (Sierna), founded upon the determination of the canvassing board—in other words, they determined that they could consider nothing done either by the Legislature or the courts of the State after the day the Republican electors cast their votes thus indicating that all the work of Congress, through its committees, and of the authorities of Florida, for righting a wrong was "love's labor lost"—worse, indeed, than idle.

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WHAT NEXT? The next States in order after Florida are Georgia with its eleven votes for Tilden, Illinois with its twenty-one for Hayes, Indiana with its fifteen for Tilden, Iowa and Kansas with sixteen for Hayes, and Kentucky with twelve for Tilden. These will all be counted without opposition, except in the event of objections on account of the alleged ineligible elector in Illinois. If this objection is made the Houses will have to separate and vote upon the objection. The Senate will refuse to sustain it, and the entire vote of Illinois will be counted.

Then comes in regular order Louisiana with its two sets of returns. This case will be referred to the Commission, with all the papers which accompany the two certificates. In consequence of the magnitude of this case the belief is that the Commission will be occupied on it a week if not longer.

The Democrats think they have some very strong points here, and except that it will be difficult for the Commission to overrule the arguments of Trumbull and Carpenter. Much stress is laid upon the self-confessed ineligibility of Levisse, one of the Hayes electors. It is said that the opinions of both Judge Bradley and Strong in the Florida case are such as to induce the hope that they will be found in favor of throwing out the ineligible electors in Louisiana, if not the entire vote from that State.

It is certain that the Democratic counsel will make a most determined and desperate fight over Louisiana, contesting inch by inch every point, technical and otherwise, involved in that case. If they lose Louisiana then the forlorn hope will be Oregon. But if Justice Bradley's private remark, quoted in Sunday's telegraphic reports from Washington, was ever uttered there is little hope of obtaining the Oregon vote for Tilden. Louisiana is our strong ground, and the best that can be hoped for is that the vote of that State will be thrown out and the election carried to the House. The adoption of that course will mean Tilden and Wheeler.

BELKNAP ACQUITTED. The dismissal by nol. pros. in the District Court of the indictment against ex-Secretary of War Belknap calls up some unpleasant memories. The guilt-tintured administration of Grant is nowhere seen in a worse light than in this matter of Belknap. A high member of the Cabinet—the President's own official family—is shown to be connected with the sale of post-traderships. He puts money in his own purse drawn from a corrupt use of his authority as an officer of the Federal government, and he escapes by a technicality.

What the Washington "Star" mildly says on this subject, as follows, will be generally concurred in: "The considerations which moved the President to direct a *nolle prosequi* in the case of the United States ex-Secretary Belknap, doubtless seemed sufficient to him from a personal point of view. They will, however, hardly be regarded as satisfactory by the public. The case was a peculiar one, in nearly every aspect, and under the circumstances attending it, it is to be regretted that it could not have gone to trial before a jury. A general impression prevails that the accused would have been convicted in that event, the belief of the District Attorney to the contrary notwithstanding; but on the other hand had the opinion of that officer been justified by a verdict of 'not guilty' in open court, the ex-Secretary would then have stood fairly vindicated before the country, at least in a legal point of view. This opportunity is now denied him. As the case stands, therefore, neither as nor the

President can be said to possess a very enviable attitude before the country. The latter will be regarded as having performed an act of somewhat doubtful propriety, while the former is doomed to rest under a cloud for the remainder of his life."

THE PRESS OF THE FLORIDA CASE DECISION. We present the views in brief this morning of some of the leading Northern newspapers on the decision of the Electoral Commission in the Florida case.

The New York "World" says: "Whatever the result may be of the decision in the Florida case, the public will hardly adopt the conclusion that Commission expressly vested under the law creating it with all the powers possessed by the two houses acting separately or together, is incapacitated from considering the facts and testimony taken by the convention of the two houses, or that it is shut off from the methods of inquiry practiced on all former occasions when any inquiry was necessary, to such a degree that it can avail itself of no information except such as may be filtered through the President of the Senate. Such a conclusion would have no warrant in the Constitution and the laws, or the practice of the government."

The New York "Herald" says: "This recognition of the inviolability of the State record will evidently cut both ways, as the Republican elector in Oregon, who, it is alleged, is disqualified, cannot even get his case before the Commission for want of the Governor's certificate, and the appointed elector (Crofin) cannot, because he possesses that certificate, be ignored. According to this ruling the excluded electors cannot have an opportunity of showing that he is not disqualified."

The New York "Tribune" says: "The decision is a great victory for the friends of Hayes, masked, however, in such a way that the Democrats' feign to regard it as not quite a crushing defeat of Tilden. On the main question, so far as the Commission decided at all, it has adopted the principle put forth in the address of Ervins: 'All attempts to impeach the vote of Louisiana now are useless. The last chance of Tilden is in Oregon, but there is no reason to suppose the Commission will take any other view than has been taken by all people of impartiality and common sense.'"

The New York "Times" while expressing gratification at the decision of the tribunal points out the fact that the first legal question has been decided by a strict party vote, and this act will be generally accepted as a partisan act.

The New York "Sun" announces the result of the action of the Commission editorially, but expresses no opinion as to its justice.

The Philadelphia "Evening Telegraph," a Republican paper, expresses dissatisfaction with the action of the Commission. It says: "This decision closes the door against any inquiry, and the certificates of Louisiana which were made by the notorieties Wells, and which were put up for sale in two markets before they were made, must stand along with the untainted and unquestioned certificates of Ohio, Massachusetts and Pennsylvania. Not, however, by the unanimous vote of the Commission, not by a majority of it made up of Republicans and Democrats, but by a majority of one composed exclusively of Democrats, if any think that this decision, so accomplished, is in reality a victory for Mr. Hayes or for the Republican party, a mistake is made. Mr. Hayes' victory would have been a decision declaring that he and it feared no inquiry into the fairness of his election, that he and it courted the fullest investigation, for all that either wanted or would have were truth and justice at the hands of the commission. Yesterday's decision was a defeat, as the future will show."

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