

The Daily Journal.

ESTABLISHED, 1851.

WILMINGTON, N. C., FRIDAY MORNING, FEBRUARY 23, 1877.

PRICE \$6 00.

THE TELEGRAMS. THE SECRET SESSION.

REPUBLICAN APPREHENSIONS.

THE VOTE OF OREGON TO BE DECIDED TO-DAY.

EVARTS AND MERRICK SPEAK MASTERS ARGUMENT BY THE LAWYER.

HOME AND FOREIGN MISCELLANY.

Noon Reports.

WASHINGTON, Feb. 22.—The commission on elections in the House has allowed the contestants their expenses as shown by affidavits and vouchers. Before the commission Stanley Matthews opened the argument. Evarts followed and Merrick will close at 2:30 when the commission will close the case.

The public take very little interest in the case, and it is generally considered prejudiced; but the hall is crowded with lawyers, hearing the argument, which is pretty legal.

On motion of Justice Strong certain evidence was received by the commission, subject to its decision after argument upon its formal reception and legal weight. There was no objection. The object of this motion, Justice Strong stated, was to consolidate the argument.

The evidence offered so far is documentary relating to Watts' resignation and its acceptance. The hearing of the evidence has not yet been developed. Two objections by the Democratic counsel have been overruled—once unanimously and the other with one dissent.

The Senate during the morning hour briefly discussed the bill amending the act granting the right of way through the public lands, to the Jacksonville and St. Augustine Railroad Company, and it was then laid over until to-morrow.

NEW YORK, Feb. 22.—S. Jacoby & Co., cigar manufacturers, have failed. Liabilities \$150,000.

The Times says the New Jersey Secretary of State has instigated criminal proceedings against J. H. Stedwell, President of the defunct New Jersey Mutual Life Insurance Company of Newark, and Benjamin Noyes, President of the National Capitol Life Insurance Company, to whom Stedwell transferred all the assets of the Newark Company. The ground of proceeding is for conspiracy to defraud the policy holders, and Stedwell is to be held also for perjury in having sworn falsely in his annual statement of the condition of his company, filed in the Secretary of State's office.

Major General A. B. Eaton, of New Haven, Conn., is dead.

FOREIGN.

Vienna, Feb. 22.—Austria and Hungary have finally arranged the bank question.

LONDON, Feb. 22.—Russian war preparations continue.

The Montenegrin envoys have embarked for Constantinople.

A special telegram from Rome to the Times states that in consequence of the decision of the Cardinals that the re-assembling of the Vatican Council would be inopportune, the Pope has distributed to these questions left unsolved by the previous meeting of the council with a view of determining whether he cannot solve them by his own authority.

A correspondent of the Daily News telegraphs from Perth: "If the accounts which I hear are true that the majority of the officers of the Frith have engaged quarters at Jassy, war cannot longer be avoided."

Night Reports.

WASHINGTON, Feb. 22.—The commission is in secret session.

The House occupied the day in considering the civil sundry appropriation bill in committee of the whole. The principal appropriations for the South are as follows: \$15,000 for the continuation of work on the Atlanta, Ga., postoffice; \$5,300 for same object in Raleigh, N. C.; \$13,000 for same object in Nashville, Tenn., also that the sum of \$375,000, or so much thereof as may be necessary, be appropriated to pay the amount due to mail contractors for mail service performed in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, South Carolina, Texas, Tennessee and Virginia in the years 1859-'60-'61 and before said States engaged respectively engaged in war against the United States and the provisions of 3,480 of the revised statutes of the United States shall not be applicable to the payments herein authorized, provided that any such claims which have been paid by the Confederate States Government shall not be paid again. Without disposing of the bill the House took a recess until to-morrow.

The evidence submitted in the Oregon case showed that Watts resigned by telegraph Nov. 13; his resignation was accepted by telegraph Nov. 14; a special agent took charge of the office; Watts' account with the Post-office Department was not closed until January.

Mr. Evarts, after referring to the position his side took in the Florida and Louisiana cases, said it was the same to-day in the case of Oregon. In Oregon a peaceful election was held in accordance with law. A result was obtained which was acquiesced in by the people, and that result was lodged where by law it belongs, in the office of the Secretary of State. This result constituted the election of three electors, each of whom should have received a certificate of such election by the Governor of the State, who, under the law, could legally do nothing else. Mr. Evarts continued at length to contend that Gov. Grover violated the State and national law in giving a certificate to Cronin. Mr. Evarts said the law of Oregon provided that where there were two candidates who received an equal number of votes and one was found to be ineligible, the other did not therefore hold the office but a new election was necessary. He next argued that the majority was the college and not the single voice of Cronin had been a duly appointed elector. He thought the commission would have little trouble in reaching a conclusion as to which was the legitimate body. Suppose they had refused to recognize Cronin as an elector? They did not think he was one, and nobody else ever thought he was until it was determined to manufacture him into one and attempt to make him stand as such till after this count. Acept, said he, the proposition that Cronin could form a college and he had the absurd possibility of three electoral colleges in Oregon, each elector desiring to cast the vote of the State according to his own ideas. In reply to a question by Mr. Abbott he said there was no existing law in any State that covered the contingency of the duty or absence of a majority of the college. The general theory of the law was that there must be a quorum to transact business, and there must be statutory provision in any case to make it otherwise. Referring to the act of the Legislature of Rhode Island, which provides that if an ineligible elector was elected the Legislature should meet and elect another, he said that would do for Rhode Island, when the Governor could blow his horn in the door of the executive mansion and summon his Legislature, but it would not do for the great State of Oregon.

Mr. Merrick rose to close the argument. He said in his own mind he held the same views that he did when he opened the argument in the case of Florida, but he owed it to his clients and to the tribunal to conform his argument to the decisions which had been made, and he should confine himself to asking that the decisions of Florida and Louisiana should be applied to Oregon. He had in the case of Florida asked that they go behind the certificate of the Governor, and had asked that the voice of Florida, which had been simulated, might be heard through her legislative and judicial departments. The other side had taken issue and claimed that there could be no going behind the certificate of the Gov-

ernor based on the canvass, but he was at a loss to know where it had been shown that there ever was a canvass of the votes of Florida except that on which the certificates of the Tilden electors was based. Were they to assume that there was anything so sacred in the act of the returning board as to prevent an inquiry into the facts? No. The answer was that when their acts were conformed in accordance with the laws of the State the inquiry was checked. In Florida and Louisiana they had passed beyond the certificate of the Governor, and reached the certificates of the returning board. They stopped there, not through a sanctity of the returning board or the virtue of Wells and Casanac, but because they reached the great seal of the State. To fix the line between the States of the Federal government had been one of the most difficult tasks of the fathers, and they had fixed them so that there could be no interline strife if each adhered to the lines the fathers had drawn. The decision of the tribunal must rest in the confidence of the people, if it rested in their confidence at all, on some great principle of State rights as compared with Federal authority; if it rested upon technical grounds the people would not receive it in confidence, and the wound which this commission was organized to heal would continue to bleed for the next four years.

Mr. Merrick said the law required the Secretary of State to prepare two lists of the electors; not those who had received the highest number of votes, but those elected. Who was to determine who were elected? Who but the parties engaged in this transaction? They must determine who were elected. In the Florida case it was claimed that the power to determine rested in the returning board. In Oregon he claimed that the power to issue the certificates carried with it the prerequisite of determining to whom they should be issued. To withhold the certificate from a party deemed to be disqualified was, he submitted, the legitimate execution of an executive trust. In the other case it was claimed that the only time when an error could be corrected was between the counting of the votes and the time when the electors entered upon their duties. It was precisely at this time that this much-abused government attempted to rescue the State from the odium of a charge of having violated the Constitution of the United States. Referring to Matthews' allusion to a conspiracy and the cipher telegrams between Gramercy and Park and Oregon, Mr. Merrick said no such evidence was offered and had it been offered they would not have objected. They wanted the truth and nothing but the truth. Mr. Merrick continued his defence of the act of the Governor and said his certificate was conclusive until otherwise decided by a legal tribunal. He maintained that by the possession of the certificate which the Governor had placed in his hands Cronin was defacto an elector. Which was the elector, Cronin or Watts? What had Watts? Nothing. The abstract which was certified in certificate number one, was not, he maintained a canvass of the votes. It was the result of the vote cast at the election and not a statement of the canvass made according to law by the Secretary of State in the presence of the Governor.

Judge Miller asked if there were other papers in the possession of the Secretary of State. What other papers could he make?

Mr. Merrick said it had been shown in the other States that other and very remarkable papers, he understood, that the canvass and the abstract were very different papers, and if it had been intended as the canvass the certificate should have certified that it was a canvass.

Judge Miller asked what Mr. Merrick meant by a canvass of the votes.

Mr. Merrick replied that he meant a sifting of the votes. Here were the votes to be canvassed, he would sift them and return the canvass. This the Secretary of State had not certified to. He next insisted that a certified copy of no paper in the office of the Secretary of State of Oregon could be set up in opposition to the certificate of the Governor. Here was the certificate of the Governor signed by the Secretary of State and sealed with the broad seal of the State and a mere certified copy of an abstract of votes could not be set up against it. Mr. Merrick briefly contended that the constitution "did execute itself and cited authorities in support of his position. In refer-

ence to the vacancy he contended that if Odell and Untrwright filled a vacancy they did so on the resignation of Wells and the absence of Cronin who holding the certificate was a bone fide elector. The law he said provided for a vacancy occasioned, &c., a word of limited meaning which did not cover a vacancy existing. Mr. Merrick closed with a request to the commission to adhere to the decision in the cases of Louisiana and Florida. It mattered little whether they conformed to his views or not the people would judge the decisions, but it was essential that they should stand unchallenged by the power by which they were pronounced. He said the people looked upon the Supreme Court as an idol, and cherished it as above reproach. When they lose their confidence in it then indeed the night would have come.

At 4:30 o'clock the commission took the case and the result is expected momentarily.

The commission adjourned to 10:30 o'clock to-morrow.

It is conceded that the Democrats have made a strong case and the Republicans are not without apprehensions.

The commissioners decline to give any intimation of the drift of the debate.

In the Senate the deficiency appropriation bill passed with amendments which carry it to conference.

The Mexican veterans met to-day, General Denner in the chair. The President will receive them at 10 o'clock to-morrow.

The following is authentic: The electoral commission was in session to-day from 10 o'clock until 4:30. At 5 o'clock the commission went into secret session and remained therein until 7:20, when it adjourned till to-morrow morning at 10:30 o'clock.

The questions presented by counsel were discussed in the secret session, but owing to the fatigue of the members, and in order to enable them to consult authorities which had been referred to by the counsel, an adjournment was thought to be advisable. Many law prints were suggested and these will be critically examined, there being more of them in this case than in the cases of Florida and Louisiana.

The commission agreed to take a vote to-morrow afternoon at four o'clock unless the members shall be prepared to do so at an earlier hour. Should the vote be taken at four o'clock an hour or more would be occupied before their vote could be officially prepared, and unless the two houses shall remain in session until evening the vote on the joint meeting of the two houses will not take place until Saturday.

There is a wild rumor that on the proposition to count Oregon, two for Hayes and one for Tilden two votes were recorded say (Abbott and Bradley), when Garfield asked an adjournment.

NEW YORK.

New York, Feb. 21.—Ethan Allen says the Vanderbilt family have made propositions to Win. H. Vanderbilt. Unless he accepts litigation over the Commodore's will will be inevitable. Jeremiah Black will act with Allen and Mr. Evarts for the will.

Geo. B. Fettebone, Superintendent of the Home Sewing Machine Co., is said to be a defaulter for a large sum.

A Chicago dispatch says: "Yesterday the firms of B. B. Murphy & Co., M. S. Kingland & Co. and N. H. Warren & Co. were forced to suspend. All had been carrying heavy margins and the decline in pork alone, which has been from \$16 75 on January 10 for April option to \$14 45 on yesterday, had the effect to force two of these firms to the wall."

OHIO.

CINCINNATI, Feb. 22.—Four men were killed to-day by the explosion of a boiler at Clifton nail factory, in Pomeroy, Ohio, last evening. Morgan Barker, a boy, was blown seventy feet in the air and escaped unhurt.

Among the Supreme Court decisions on Wednesday, were the following: By Rodman, J.: *Stave vs. James Mathevs*, from Robeson; affirmed. *Stave vs. Andy Winthroff*, from Robeson; affirmed. By Faircloth, J.: *D. G. McRae*, assignee, etc., vs. A. Wicker et al., from Cumberland; affirmed.

A colored child was burned to death at the Company's Shop on Tuesday.

Judge Burton was taken ill last Saturday while holding Nash Court.

LOCAL NEWS.

Our City Delivery
Is in the hands of Capt. John E. Leggett, so well and favorably known. He will solicit for the Journal and superintendent and be responsible for the delivery of the paper. All shortcomings should be reported to him immediately.

Shooting Match at the Athletic Grounds Yesterday.
Yesterday morning about 10 o'clock a match was commenced at the Athletic Grounds between teams number one and two. The result was as follows:

FIRST TEAM.
DuB Cutlar --- 4534444444-40
L S F Brown --- 4443443344-37
W Yffe --- 4343333333-30
W R Kenan --- 0423443444-32
B P Harrison --- 2433402543-30

SECOND TEAM.
E Lilly --- 4344454545-40
J H Allen --- 3340303030-17
H G Smallbones --- 3403344424-31
L S Belden --- 4344425443-37
R E Calder --- 3405304433-29

Team No. 1 beat.
Mr. DuBrutz Cutlar and Mr. E. Lilly scored the same but Mr. Cutlar beat, scoring less 3's.

Severely Burned.
Wednesday night, a little son of Mr. Edgar Williams, only one year of age, was badly burned. Mrs. Williams happened to be called from the room a short time previous, and the nurse was left with the child. She left him for a few moments and while out he fell into the fire. His screams alarmed his grand mother who rushed into the room. Medical aid was quickly summoned and the little fellow is doing better.

New Marine Signal.
While on the wharf yesterday we observed a cork fender hoisted to the spanker gaff of a German barge several times and then allowed to drop, striking a timber raft alongside. In reply to our inquiries one old salt informed us that it was a signal for a police officer; but another far assured us that it was done to sink the raft. *Quien Sabe.*

The Bird Had Flown.
Office: Tom Miller, Wednesday evening, proceeded to the house of one Laura Wiggins, colored, who resides on Market street between Eleventh and Twelfth streets, with a search warrant, to look for a bed quilt and counterpane belonging to a lady with whom she had been staying. The articles were discovered, but in the mean time the woman had taken French leave.

The Criminal Court.
The bill to establish a Criminal Court for Wilmington is pending in the Legislature. A petition in favor of its passage was signed yesterday by a large number of our best citizens.

Such a Court as is contemplated would be a great public blessing.

Thermometrical.
The state of the thermometer at the various stations named below was observed at the signal office in this city yesterday at 4:30 p. m.:

Augusta, 61; Charleston, 58; Galveston, 61; Jacksonville, 61; Mobile, 55; New Orleans, 54; Norfolk, 59; Savannah, 59; Wilmington, 59.

Narrow Escape.
A gentleman who had a job across the river stepped into a row-boat yesterday morning to go across. The boat tilted and over the gentleman went. He quickly seized hold of the boat and drew himself out before he had time to get thoroughly wet.

Sudden Death.
Robert Walker, a young colored man, was taken suddenly on last Monday with a pain in his ear, and died Wednesday evening. Being a member of the Brogren Guards, that Company turned out at his funeral yesterday evening.

The City Bill
Passed its third reading in the Senate Wednesday. "Mr." Moore, as the *Observer* calls our sable Bill was in opposition, but that—in the language of Mr. Toots—"Was of no consequence."

Concert.
The Brooklyn Baptist Sunday school will have a Concert to-night for the benefit of the school, at Brooklyn Hall, Doors open at 7 o'clock, the Concert commencing at 7:30 o'clock; admission only 25 cents.

The public buildings were decorated with the Stars and Stripes yesterday. The bunting in front of the Court House was particularly gay.

LOCAL NEWS.

Our City Delivery
Is in the hands of Capt. John E. Leggett, so well and favorably known. He will solicit for the Journal and superintendent and be responsible for the delivery of the paper. All shortcomings should be reported to him immediately.

Shooting Match at the Athletic Grounds Yesterday.
Yesterday morning about 10 o'clock a match was commenced at the Athletic Grounds between teams number one and two. The result was as follows:

FIRST TEAM.
DuB Cutlar --- 4534444444-40
L S F Brown --- 4443443344-37
W Yffe --- 4343333333-30
W R Kenan --- 0423443444-32
B P Harrison --- 2433402543-30

SECOND TEAM.
E Lilly --- 4344454545-40
J H Allen --- 3340303030-17
H G Smallbones --- 3403344424-31
L S Belden --- 4344425443-37
R E Calder --- 3405304433-29

Team No. 1 beat.
Mr. DuBrutz Cutlar and Mr. E. Lilly scored the same but Mr. Cutlar beat, scoring less 3's.

Severely Burned.
Wednesday night, a little son of Mr. Edgar Williams, only one year of age, was badly burned. Mrs. Williams happened to be called from the room a short time previous, and the nurse was left with the child. She left him for a few moments and while out he fell into the fire. His screams alarmed his grand mother who rushed into the room. Medical aid was quickly summoned and the little fellow is doing better.

New Marine Signal.
While on the wharf yesterday we observed a cork fender hoisted to the spanker gaff of a German barge several times and then allowed to drop, striking a timber raft alongside. In reply to our inquiries one old salt informed us that it was a signal for a police officer; but another far assured us that it was done to sink the raft. *Quien Sabe.*

The Bird Had Flown.
Office: Tom Miller, Wednesday evening, proceeded to the house of one Laura Wiggins, colored, who resides on Market street between Eleventh and Twelfth streets, with a search warrant, to look for a bed quilt and counterpane belonging to a lady with whom she had been staying. The articles were discovered, but in the mean time the woman had taken French leave.

The Criminal Court.
The bill to establish a Criminal Court for Wilmington is pending in the Legislature. A petition in favor of its passage was signed yesterday by a large number of our best citizens.

Such a Court as is contemplated would be a great public blessing.

Thermometrical.
The state of the thermometer at the various stations named below was observed at the signal office in this city yesterday at 4:30 p. m.:

Augusta, 61; Charleston, 58; Galveston, 61; Jacksonville, 61; Mobile, 55; New Orleans, 54; Norfolk, 59; Savannah, 59; Wilmington, 59.

Narrow Escape.
A gentleman who had a job across the river stepped into a row-boat yesterday morning to go across. The boat tilted and over the gentleman went. He quickly seized hold of the boat and drew himself out before he had time to get thoroughly wet.

Sudden Death.
Robert Walker, a young colored man, was taken suddenly on last Monday with a pain in his ear, and died Wednesday evening. Being a member of the Brogren Guards, that Company turned out at his funeral yesterday evening.

The City Bill
Passed its third reading in the Senate Wednesday. "Mr." Moore, as the *Observer* calls our sable Bill was in opposition, but that—in the language of Mr. Toots—"Was of no consequence."

Concert.
The Brooklyn Baptist Sunday school will have a Concert to-night for the benefit of the school, at Brooklyn Hall, Doors open at 7 o'clock, the Concert commencing at 7:30 o'clock; admission only 25 cents.

The public buildings were decorated with the Stars and Stripes yesterday. The bunting in front of the Court House was particularly gay.

CITY CURRENCY.

The city is out of coal.
Cloudy or rainy to-day.
On 'Change it was very quiet yesterday.

Maj. J. A. Eogelhard, Secretary of State, is in the city.

No Mayor's Court yesterday. The cases will be disposed of to-day.

Mr. W. E. N. Sellers will open a meat shop on Saturday on the corner of fourth and Mulberry streets.

Two white men were disputing yesterday, when one cursed the other, whereupon the latter knocked him over the head with his stick.

About 12 o'clock Wednesday night, officer Hardy arrested a colored man who was coming out of the bart building opposite the Journal office, with a plank in his hands, and lodged him in the guard house.

The colored military paraded the streets gorgeously uniformed, to the sound of fife and drum, on yesterday, in commemoration of the natal day of Washington, who was born in 'old Virginia' and who was also a model master to the numerous slaves he owned.

Two of the Legislative committee appointed to visit this city and other places, for the purpose of selecting a site for the colored Insane Asylum, Messrs. Standford and Shackelford have returned to Raleigh. The third, Mr. Johnson, was in the city last evening.

Index to New Advertisements.
O. G. Parsley & Co.—Powder!
P. Heinsberger—Just received.
Giles & Murchison—Swedes iron.

Disabilities Removed.
WASHINGTON, Feb. 22.—Mr. Edmunds, from the committee on the judiciary, reported favorably on the removal of Gens. D. H. Hill and L. S. Baker, of North Carolina.

NEW ADVERTISEMENTS.
Powder! Powder!

500 WHOLE, HALF AND QUARTER kegs. DuPont's Rifle and Sporting, Eagle, Duck, Mining and Blasting Hemp, Single and Double Tape Fuse. For sale at manufacturer's prices by Feb 23-4f O. G. PARSELEY & CO.

POTATOES, POTATOES.
OUR VESSEL HAS AT LAST arrived

300 Bbls EARLY ROSE SEED!
300 Bbls PINK EYES SEED!
100 Bbls FINE EATING JACKSON'S.

All best stock and in large barrels. Call and buy your seed stock from BINFORD, CROW & CO. Feb 18-4f

SWEDES IRON.
SWEDES IRON.

A FULL SUPPLY OF GENUINE Hammered SWEDES IRON, all sizes, from 1/2 to 8 wide. As complete an assortment as

Any in the City,
and for sale at better figures, by GILES & MURCHISON, Feb 18 New Hardware Store.

MISCELLANEOUS.
GUANO.

WE ARE AGAIN OFFERING TO the public the best quality of GUANO, the well known and popular Commercial Fertilizer

WHANN'S
RAWBONE SUPER PHOSPHATE.

Terms and prices made known on application, and memorandum books and certificates furnished. Great inducements offered to parties wanting large lots. VICK & MEBANE, Feb. 4-14-3m Agents.

DENTISTRY!
I RESPECTFULLY CALL attention to my Operative and Mechanical Dentistry as being equal to the best, and all work warranted. Call at my Office, No. 33 1/2 South side Market Street, Wilmington. JAS. E. KEA, Surgeon Dentist. Jan 27 1m

ALEX. SPRUNT & SON,
COMMISSION

MERCHANTS.
WILMINGTON, N. C.; Oct 15-4f

MISCELLANEOUS.

EMBROIDERIES

—AT—
PRICES TO

SUIT EVERYBODY.

NEWEST STYLES

OF

NECK WEAR,

At WM. FYFE'S, EXCHANGE CORNER. Feb 11 4f

OF

Read's Aromatic Bitters

PROF. CHITTENDEN,

of Yale College, says he has examined the different substances from which it is manufactured, and can

'TRULY SAY

that it is only of such material as are known to

REACT FAVORABLY

on the system!

"FINEST TONIC OR STOMACH BITTERS

In the

Old or New World."

Chas. D. Myers & Co., 5 and 7 North Front St.

HECKER'S FARINA.

BAKER'S CHOCOLATE.

IMPORTED CURRY POWDER.

GORDON & DITWORTH'S

TAMARINDS,

FRESH GOODS.

Domestic and Imported.

Chas. D. Myers & Co., 5 & 7 North Front Street. Feb 18

NORTH CAROLINA HAMS

SIDES

AND SHOULDERS

Put up in nice Bolls, at Wm. per lb.

WHITE BEANS AND LADY PEAS.

NEW CROP

CUBA MOLASSES!

New Orleans Molasses,

And several grades of

SYRUPS.

—THE—

PATAPSCO,

FAMILY FLOUR!

In barrels and half barrels, continues to attract attention by its superior quality.

EXTRA QUALITY
BALTIMORE APPLES.
JUST RECEIVED AND FOR SALE LOW!
JAMES C. STEVENSON. Feb 23