WILMINGTON, N. C .: FRIDAY MORNING, February 9, 1877.

The whole Presidential question rests upon this pivot-whether the behind the decisions of the Returning Boards? If the Commission dewides to go behind the returns, then either Florida and Louisiana will be in the electoral college having been

Commission has the legal right to go given to Mr. Tilden, or they will be thrown out, and the number of votes thus diminished, less than 185 will elect, and, consequently, Mr. Tilden will be declared elected. If, however, the Commission should resolve not to go behind the returns, then it appears to us that the one vote of Oregon will be necessarily given to Mr. Tilden, and he will then have 185 votes, the number necessary to an election in a complete college.

That the Republican line of attack or defence, whichever it may be considered, is as indicated above, is apparent from the speeches of Mr. Matthews, Mr. Stoughton, and, especially, of Mr. Evarts. They all assume that the action of the Returning Boards is final, and that neither the Congress nor the Electoral Commission have any right or warrant of law to investigate or disturb the said action. The Democrats, of course, repudiate and oppose vigorously any such statement of law or assumption of finality. Mr. Field, Mr. Tucker, and Mr. O'Conor made very able arguments in contravention of such a position, and insisted that the certificates sent up did not deprive them of the right to inquire into the grounds upon which the returns were based, and that it was competent to offer evidence of illegality and fraud.

But Mr. Stoughton thought very differently. Here is his position as defined by himself:

"The statute of Florida created a Re-turning Board, having capacity to certify the number of votes cast for electors, and to certify who were elected, and if that Board performed its duty, however mistaken, however clouded with error, however (if you please) tainted by fraud, and did ascertain and did declare how many votes for particular sets of electors had been cast, and did certify and declare who were the persons who were elected electors, that ends all inquiry here."

Mr. Evarts argued from the same stand-point, insisting as to the absolute finality of the certificates, and that the Commission could not go behind those certificates to uncover or ferret out any rascality or fraud. The Herald, in an excellent article upon The Republican Ground Before the Electoral Commission," in commenting upon the position taken by the counsel for the Returning Boards, thus tersely and truly expresses the sentiment of every honest and fair minded man in America:

"Whether the legal point be well taken or not, it is abhorrent to every idea of jus-

It remarks farther:

"When so able a lawyer as Mr. Evarts is driven, by the exigencies of a desperate case, to contend, in the face of the country, that a State certificate can override a United States, and that an Electoral College, consisting entirely of Federal office-holders, may cast the electoral votes of a State, shielded by a State certificate against scrutiny, the public will get a bad impression of the cause which requires such despects adversary." perate advocacy." We may add, if .the Commission

should decide for Mr. Evarts and his able associates, will it be possible for the right-thinking portion of the people-those who are actuated by principles of right and fairness, to have | remedy for fraud, says very forceany confidence in the justice of Supreme Court tribunals, or in the honesty and impartiality of Congressional Committees? If politics blind men so that they are unable to distinguish between right and wrong, fraud and fairness, rascality and honesty, then politics need very greatly to be reformed, and the less a man "tackles" them, the better for his morals and

We hope that the final rendering of the Commission will be such as to satisfy the convictions of a large majority of the intelligent, virtuous and just people of the United States, and that it will vindicate their own claim to fairness, integrity and ability. Judge Black is represented as saying, a few days ago, that he did not care who the fifth Justice was, as no man who has eyer performed a judicial duty with a show of fitness or propriety, will shock the common sense and common honesty of the nation by deciding that a fraud is as good as the truth merely because it comes wrapped in the forms of law.

We will briefly summarize some of the reasons why the Commission wil be constrained, as we believe, to de cide to go behind the returns:

publicans, decided against the action of the Returning Board. The Commission will consider this point. They cannot afford to be more partisan than the Supreme Court of Florida and to ignore the action of that body.

2. The Commission has the power given them to go behind the returns. GOING BEHIND THE RETURNS. The Herald states this point thus:

"But both Houses have made an une quivocal assertion of their right to go behind the certificates by appointing commit-tees of investigation to take testimony in all the disputed States. It would be more than idle, it would be preposterous, for Congress to order such investigations if the mere certificates are binding and it has no authority to question their validity. Congress interpreted its own powers and decided against Mr. Evarts in advance by appointing those committees of investigation, and it has explicitly transferred to the Commission whatever powers on this subject it possessed itself." 3. The course of Congress in the

past offers good grounds to justify the Commission in going behind the certificates. The Republicans have more than once assumed and exercised the same power when they had a majority in both branches of Congress. Then they said that the objection of either House was sufficient to throw out the returns from any State. Arkansas is a case in point In 1873 the returns from this State were thrown out by a Radical Congress, and that, too, without any solid grounds for doing so. The returns were rejected because the State seal was lacking. The fact was, the law of Arkansas did not require the use of a seal, and so the certificate was

perfectly regular. When Mr. Lincoln was elected to his second term, the same thing occurred as to the votes of several States. The Congress threw out the votes of Louisiana, and two or three other States. It went behind the returns to do this. Why not do the same thing now? If valid then, why not valid now?

4. The Joint Commission itself adopted a rule, marked fifth, that would indicate that it purposed to go behind the certificates. The rule provides:

"Applications for process to compel, the attendance of witnesses or the procuring of written or documentary testimony may be made by counsel on either side, and all process shall be served and executed by the Marshal of the Commission or his dep-

. 5. All lawyers know that the Supreme Court of the United States has time and again decided that the rulings of the State Courts must be regarded as final and conclusive in all cases arising under their own Constitutions and laws. In Florida, the Supreme Court, composed exclusively of Republicans, has decided as to the irregularity and illegality of the action of the Returning Board. That decision, according to the highest legal tribunal of the United States, must be accepted as final and con-

We cannot pursue the topic farther now. Our space is up. The country believes that the existing laws give every facility necessary for determining whether the Hayes electors were legally and fairly elected in the State of Florida. They be lieve that honesty, justice, fairness, right demand that this great question shall be properly, thoroughly, honestly inquired into. It is only by such an inquiry-by such an investigation, that the real result can be ascertained-who has been duly, legally, fairly elected President and Vice President of the United States. The Washington Union, in commenting upon Mr. Evarts' strange and demoralizing proposition that it is better to submit to fraud than to have a

"The common sense of the American people—the common instinct of honesty which makes good men of both political parties desire that their candidate, if he comes into office at all, shall come in with clean hands and an untainted title—revolts at any such proposition. The power to see that only the true and legal votes of persons duly appointed to exercise the office of electors are counted must reside somewhere. When the Constitution says " and the roles shall then be counted," it means " votes " -legal votes-not spurious, fraudulent, or counterfest votes which are no votes at all -any more than a counterfeit com or greenback is money."

The Constitution doubtless means more than a mere numbering or enumerating of "the votes" when it uses the words "to count." The use of "count" when the Constitution was framed, authorizes the idea of looking into, inquiring into, examining scrutinizingly. This is the meaning of the word in law dictionaries, and in the old pleadings in equity, as we learn from a distinguished mem-

ber of the Wilmington bar. bar. The Radical tactics change with the exigencies of the hour. They are an ingenious folk. The pivot of the plet formed by the Chandler conspirators was that the President of the Senate had the sole right to count the electoral returns; but that position would not stand; the wheel would not turn on that pivot. Now 1. The Supreme Court of Florida, that the voice of the country is that a court composed exclusively of Re- the Commission must go behind the

returns and inquire into the action of the Board, the Radical leaders, with one voice, deny any such right, and swear that the thing "cannot be did."

The following is in striking contrast to the opinions of the ordinary Radical paper edited by men who know nothing but party fealty. The Philadelphia Inquirer is a strong Republican paper, and yet it has the cander to write the following :

"The evidence developed yesterday by the Louisiana Investigating Committe, and the written testimony sustaining it, do not make pleasant reading, for it is impossible to see that there are not, at least, the ele-ments of truth in it. The greater part of it may be the barest lie, and yet enough remains to demonstrate that the Louisiana Returning Board, or two of its members, Wells and Anderson, were ready to sell the rote of the State to the friends of Mr. Tilden, and that many of the affidavits presented to the Board proving intimidation, and on which over ten thousand votes were throws out, were manufactured to order in the Custom House. This business has assumed such an infamous shape at last that it can not be permitted to remain unsearched to its lowermost depths."

The Inquirer has discovered that Sterne's apothegm, "God tempers the wind to the shorn lamb," printed in 1768, is traced to Herbert, 1640: "To the shorn sheep God gives wind in measure," which is a close translation from Henry Estienne, who wrote in 1594, "God measures the wind to the shorn sheep."—Savannah News.

The Inquirer did not make this discovery. It was long ago made in England, and has been traced in several works, and in "Notes and Queries." In Herbert's Jacula Prudentium, these lines occur, referred to

"To a close shorn sheepe God gives wind by measure."

We are glad to see it stated that Hon. John A. Campbell will be in Washington to aid by his counsel and learning the cause of the country. He is one of the really great lawyers -that class you often hear of but rarely meet with. He was formerly one of the U.S. Supreme Court

It is now stated in the Northern papers that Senator Conkling did not say in his speech that "I really believe that Hayes and Wheeler have been fairly elected." He said nothing like it. It is said to be an interpola-

CAPTIONS Of the Acts and Resolutions Passed by the General Assembly at Its Session of 1876-777. [Raleigh News.]

An Act, for the relief of the taxpayers of North Carolina. (Gives persons whose land was sold for taxes in the years 1872-'73, and bid off by the State, until the 1st of January, 1878, to redeem the same, by paying the taxes and the additional per cent. required by law.) Ratified 10th Jan-

An Act for the relief of Sheriffs and Tax Collectors: (Sheriffs and Tax Collectors for the years 1872-'73-'74-'75, their bondsmen and legal representatives, are authorized to collect arrears of taxes for each of the said years, under such rules, &c., as may be prescribed by law for the collection of taxes. 2d. This act not to apply to those who have not, at the time they attempt to collect said arrearages of taxes, settled and paid said taxes to those authorized to receive them; but, on such failure to pay said taxes, the County Commissioners or other authority, which may be established by law to lay county taxes, may appoint a tax-collector, who shall have all the powers above delegated to sheriffs, &c. No sheriff or other officer, not now in office, are allowed to collect insolvent taxes, when the same has been credited to him. A person who will make oath that he has paid his taxes,or believes that the same have been paid, need not again pay the same. Nor need executors or administrators pay the same.) Ratified 31st December, 1876.

An Act to prevent the sale of spirituous liquors on Sunday. (No person to sell malt or intoxicating liquors on Sunday. For each offence shall be fined or imprisoned, or both, in the discretion of the Court.) Ratified 11th January, 1877.

Resolution directing the Public Treasurer to pay the expenses of the commissioners incurred in the purchase of the Western N. C. Railroad. to-wit: To the Hon. R. F. Armfield the sum of \$450; to the Hon. J. L. Robinson, \$350; to J. H. Dillard, Esq., an additional fee of \$100, for legal services; to W. N. H. Smith, \$100; and to Gov. Brogden his actual expenses in attending the sale, Passed 11th January, 1877.

The Hillsboro Recorder pays this very neat and elegant tribute to the late Col. Robert Strange. It is too admirable to be omitted:

"Intimately acquainted with Robert Strange since early boyhood, we are, perhaps, as well as any one livall those characteristics which, developed in youth, culminated in that eminence both in intellectual and moral excellence to which be attained. His was as nearly the character of the perfect man as could be reached; a character more perfectly rounded and proportioned than any we can compare with it; not without some of the infirmities of human nature, but those infirmities held under control by lofty principle. In all his life. while somewhat warm in temper, that temper was only the vehicle for the expression of the noblest sentiments wounded or offended by the baseness or injustice of others. He was so ele-vated in thought that he scorned all that was base. He was a man wed-

ded to principle, and that of the loftiest ideal; true to purpose, and that of the highest aim; wedded to duty, and that of the most useful aim."

Pinchback, in a letter to a friend in the North, in explanation of his recent action, says: "Knowing that the present pretended Packard government is a monstrous iniquity, and its success would entail still further debauchery and demoralization upon the race, I resolved to destroy it if possible. I have not abandoned the National Republican party, but if to denounce the thieves in Louisians, who are fast destroying the manhood and integrity of my people, renders me ineligible to membership in it, I shall have to seek shelter elsewhere, and continue my struggle for justice and equality for the race."

POLITICAL POINTS

- "Judas Iscariot" is around again in the Republican organs. Sometimes he spells his other name Littlefield, sometimes Pickett, and again Maddox. - Springfield

- Suppose the Maddox yarn to be rue, it cannot be alleged of Gov. Wells, of Louisiana, that he is a cheap man. No-thing less than a million would budge him. -Chicago Tribune.

- We have never calculated upon vote from Oregon for Tilden, or thought him entitled to it. It is perfectly clear, however, in our judgment, that Hayes is entitled to but two votes from that State. -Richmond Whig.

- Littlefield was graduated at Yale College, is a white man, and was probably an honest one before he fell in with Wells. His evidence is accompanied by the forged documents themselves. The proof of the Returning Board's villainy is in black and white, as well as out of Littlefield's mouth, and the Hayes folks must face the music. — Utica Observer.

- The Radical managers appear to have a great repugnance to the truth. Their first plank—that the Vice-President should open and count the votes-having been swept from under them, they are now straining every nerve to suppress the actual facts as regards the returns in the conested States. - Balto. Gazette,

- Evidence accumulates going to show that Wells had offered Governor Nicholls a full confession of his guilt on condition that free protection and pardon should be extended to him. Whether this was a bona fide offer on his part, or whether it was a ruse to scare the Republican committee and put up his price, may never be known.—Balto. Gazette.

- Among all the lies about Louislana it is refreshing to find one man who can speak the truth. It is not habitual with Kellogg, but he can do it when he tries, and he at least struck pretty near the truth when he said that Packard was a fraud, his Legislature a fraud, and the whole concern rotten and ready to tumble. Wells probably thinks so, too. - Philadel-

- Mr. O'Conor stands before the Commission and the country in consistent support of the great principles of constitutional liberty, of which he has always been the eloquent upholder, while Mr. Evarts, when he speaks in behalf of the Louisiana fraude, supported by federal bayonets, must turn his back upon the best action of his life, and repudiate the noblest senti-ments he ever uttered.—Norfolk Virginian.

PERSONAL.

- The faculty of the University of Georgia, at Athens, in that State, have invited Mr. Martin Farquhar Tupper to leliver a lecture before the students.

- Senator Thurman is a great sufferer from neuralgia. During the past ten days he has scarcely slept at night or been free from pain an hour in the day. - Watterson speaks well in Con-

gress-when he speaks sense. He has an easy delivery, a ready flow of language, and an energetic style which lends to everything he says the appearance of deep earnestness.

-The youngest son of John Hab-berton, the author of "Helen's Babies," died on Tuesday evening in Brooklyn. The little fellow figured in Mr. Habberton's book as "Toddie," and was a child of great promise.—New York Mail.

- The Southern judges mentioned in connection with the Supreme Court Judgeship are Judge Campbell, of New Orleans; Wm. Hope Hull, of Augusta; A. G. Magrath, of Charleston, and Judge Geo. Scarborough, of Norfolk. - Yesterday Mr. Evarts and Mr.

O'Conor were arrayed against each other. The sparks flew as with the clash of flint and steel. It is said to have been one of the most brilliant intellectual encounters ever witnessed in Washington.-Baltimore - Gen. Sherman writes to the

editor of the Rochester (N. Y.) Union: "As near as I can learn it would be unsafe to class Gen. Sherman as belonging to either of the great parties into which our countrymen are divided." He adds that General Sherman "has openly expressed his satisfaction with the electoral settlement." That

- A middle aged man from a suburban town entered a car yesterday morning and complained to the conductor that all the gentlemen were smoking. "This," said the conductor, "is the regular smoking car." "Ah," replied the man, adjusting his gold spectacles, "perhaps if you remarked to them that I am a minister of the gospel, they would refrain for one day."—
New York Herald.

- Hon. John S. Gallagher died in Washington city Sunday night, aged 81. President Taylor appointed Mr. Gallagher Third Auditor of the Treasury in 1849, which position he held for over over four years. Mr. Gallagher was a well known editor in his native State, and in late years was connected with the National Intelligencer of that city. At the time of his death he was the oldest editor in the United States, commencing his editorial career at the early

- Edmunds, Hoar, and their Republican colleagues on the joint committee are not likely to be much disturbed by the abuse of the small organs and machinetenders for their honorable course in perrecting the settlement. The Vermont Senator is receiving letters from the most prominent Republicans in his State praising his course. Senator Conkling's mail brings him similar letters at the rate of one hundred a day, and Mr. Hoar has had abundant reasons to know that Massachusetts heartily approves her new Senator's stand.

—Springfield Republican, Rep.

- A poetical contributor has submitted the following lines a la Poe: Hear J. Madison Wells, Brazen Wells!

With what glibness a lie he tells! How he lies, lies, lies, And every truth denies With his sassy, brassy swells Of insolent surprise, Telling lies, lies, lies,

Lies, lies, lies, While the committee look aghast At the falsehoods falling fast From the lips of J. M. Wells, From the lying and defying Wells.

-Richmond Enquirer. TWINKLINGS.

- Awful omen-Wm. A. Wheeler's initials, W. A. W. !- Louisville Courier-Journal.

- The exports of Boston for 1876, notwithstanding a large decline in prices, show an increase of \$11,600,000 as compared with 1875, and \$16,500,000 over 1874. - This year the Southern States raised 10,000,000 bushels more corn than in 1875. Illinois is the largest corn grower

of the Northern, and Tennessee the largest of the Southern States. - The English army continue to

desert at the rate of twenty soldiers a day. They will have to come to the American plan of increasing wages for length of service and reserving part of them at compound interest as a saving fund against the day of discharge.

- "Which is the largest gland?" asked a Chicago medical professor of the newest arrival in his class the other day. The student buried himself in deep and attentive thought for a moment, and then brightening up suddenly, exclaimed, "The largest gland, sir, is England." Then the professor kindly led the young man aside, and pathetically advised him to think no more of medicine, but to join a minstrel show, or enter the army.

FROM MOTHER GOOSE. Sing a song of million, Chandler full of rye; Four of the deadest blackbirds Baked in a pie;

When the pie was opened, the birds bega to sing, And wasn't that a dainty dish to make the country ring ? I left the South to sell my vote,

And asked a million to turn my coat;

But Roscoe did my scheme disclose, And tripped me up on Cronin's nose. Washington Capital.

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