The Weekly Star.

The Legislature.

[Raleigh Observer's Report Condensed.]

SENATE.

WEDNESDAY, Feb. 21.

By Moore, of New Hanover: Petition from the citizens of Harnett township, New Hanover county, relative to the sale of spirituous liquors. Propositions and Grievances.

CALENDAR.

Bill to organize a government for the city of Wilmington was taken up.

Moore, of New Hanover, moved to postpone. Lost.

The bill then passed its third reading.

Bill to regulate the sale of weights and measures, and collect the amounts now due, was taken up and passed its several readings.

Judge McKoy was invited to a seat on the floor of the Senate.

SPECIAL ORDER.

Bill to reduce the directors of the Insane Asylum from 15 to 9 was taken up.

The committee to whom the bill was referred reported the bill back with the amendment that the superintendent shall be a married man.

The bill then passed its third reading—ayes 33, nays 5.

Upon motion of Mr. Williams, bill to prevent discrimination in railroad freight was made the special order for Friday, at 12 o'clock.

NIGHT SESSION.

Bill to made all outside and division banks on rice plantations lying on the Cape Fear river, from ten miles above Wilmington to the mouth of the river, a lawful fence, was taken up and passed its several readings.

Bill to create a new township in Tyrrell county was taken up and passed its several readings.

Mr. Bingham moved to reconsider the vote by which the bill in regard to appointing directors for the Insane Asylum passed its third reading, whereupon a motion was made to table this motion, which was lost.

The bill passed its third reading.

HOUSE OF REPRESENTATIVES

By Hill, colored: A bill to incorporate the Mechanics Protective and Co-operative Association of Wilmington. Corporations.

By Mr. Clarke, of Craven: A bill to prevent excessive punishment for trifling offenses. Judiciary.

Bill to revise and consolidate the public school law was taken up, and upon a call of the roll passed its second reading by a vote of 99 yeas, nays none.

Bill to incorporate the town of Sparta, Edgecombe county, was taken up on its several readings and passed—96 yeas, nays none.

Bill to increase the number of the Trustees of the University was taken up on its several readings and passed.

Resolution appointing a joint committee of five to confer with the Governor in relation to the State's interest in the Atlantic and North Carolina Railroad was taken up and adopted.

SPECIAL ORDER.

Mr. McClure's bill to provide for the making of election returns through the mails, by registered letters was taken up, and under a suspension of the rules the bill went to its third reading and passed.

CALENDAR RESUMED.

Bill to authorize the Commissioners of Onslow county to levy a special tax, was taken up on its third reading and passed by a vote of 85 yeas, nays none.

Bill to aid in the completion of the Cheraw and Salisbury Railroad by the use of fifty convicts, was taken up on its second reading. The bill was read a third time and passed.

Bill to farm out seventy-five convicts to work on the Rutherford and Spartanburg Railroad, was taken up.

Bill to create a new township in Columbus county, by the name of Waccamaw township, was taken up and passed its several readings.

Bill to locate a permanent seat of government in Pender county was taken up.

Mr. McBrayer took the floor in support of the bill, stating that the necessities of the people of Pender county demanded the removal of the county seat to a more central portion of the county.

Mr. Kenan moved to lay the whole matter on the table, which motion prevailed.

SENATE.

THURSDAY, Feb. 22.

By Mr. Troy: A bill to establish Gray's Creek township, in Cumberland county. Committee on Propositions and Grievances.

By Mr. Short: A bill to establish a criminal court for the county of New Hanover. Judiciary committee.

By Mr. Waddell: A bill to provide for the removal of the county seat of Johnston county. Committee on Propositions and Grievances.

CALENDAR.

Bill to incorporate the Yanceyville & Milton Narrow Gauge Railroad was taken up and passed its several readings.

Upon motion of Mr. Liles, the rules were suspended and the Senate took up and adopted the resolution authorizing the State Geologist to furnish the geological survey to public institutions, to geologists and other scientific men to the extent of 150 copies.

SPECIAL ORDER.

The Machinery bill was taken up as the special order of the hour.

Mr. Graham moved that the bill be considered by sections and that speeches be limited to five minutes. Adopted.

The bill was then considered by sections and amended in various particulars.

Upon motion of Mr. Stewart, the rules were suspended and the Senate took up and passed on its second reading the bill to authorize the commissioners of Sampson county to levy a special tax.

Mr. Scales, by consent, introduced a bill to amend sec. 2, chap. 218, laws of 1870-'71, entitled an act to incorporate the Mt. Airy Railroad Company.

Upon motion of Mr. Scales, the rules were suspended and the Senate considered and passed the bill on its second readings.

HOUSE OF REPRESENTATIVES

By Mr. Richardson: A bill to incorporate the Wilmington Compress and Warehouse Company. Committee on Corporations.

Mr. Moye moved to reconsider the vote by which the bill in reference to the removal of the county seat of Pender county was laid on the table last evening.

The Speaker ruled it out of order.

Mr. M'Brayer then moved to take the bill from the table, which motion was ruled as in order.

The motion was put to a vote and adopted.

On motion of Mr. M'Brayer, the bill was made special order for 7:30 o'clock.

SENATE.

FRIDAY, Feb. 23, 1877.

PETITIONS, MEMORIALS, &C.

Mr. Troy presented a petition from merchants of Wilmington, praying a repeal of the drummers' tax. Committee on Finance.

By Mr. Troy: A bill to amend the charter of the town of Fayetteville and to regulate the elections of Mayor therein. Committee on Corporations.

By Mr. Troy: A bill to change the names of certain townships in Pender county. [Changes Grant to Pettigrew, Lincoln to Moore, and Holden to Vance.] Committee on Corporations.

CALENDAR.

Bill to amend the charter of the Mt. Airy Narrow Gauge Railroad, was taken up on its third reading and passed.

Bill to authorize the Commissioners of Sampson county to levy a special tax, on its third reading. Passed.

THE SPECIAL ORDER,

the machinery bill, was taken up as the special order of the hour on its third reading and, upon motion of Mr. Graham, the reading of the bill by sections was dispensed with.

The bill was then considered as a whole, and sundry amendments were offered to the various sections.

After a great deal of debate and many amendments, Mr. Latham finally called the previous question on the passage of the bill, and it passed its third reading.

Mr. York then gave notice of the death of John G. Marler, Esq., Senator from the 33d district, and sent forward to the clerk's desk, to be read, certain resolutions that were adopted. Addresses were made by Messrs. Cunningham, Troy, Nicholson, Graham, Wilson, Robinson, Stanford, Hughes, col., and Moore, col.

NIGHT SESSION.

The special order, the bill to prevent discrimination in freight rates by railroad companies, was taken up.

The amendment of Mr. Troy, including steamboat companies within the operations of the bill, was adopted.

Bill referred to the Judiciary committee.

SECOND SPECIAL ORDER.

Bill authorizing the State Treasurer to loan to the State Agricultural Society $15,000, to be secured by mortgage on all the effects of the society, came up as second special order.

Passed second and final reading.

THIRD SPECIAL ORDER.

The bill to extend the charter of the town of Fayetteville was taken up on its second reading.

Failed to pass—yeas 13, nays 22.

HOUSE OF REPRESENTATIVES

Mr. Richardson presented the petition of O. G. Parsley, of Wilmington, asking that an act be passed changing the city limits of Wilmington. Committee on Propositions and Grievances.

CALENDAR.

The bill to provide for the support of the deaf and dumb and blind, appropriating $40,000 for this year and a like amount for the year 1878, was taken up and passed its second reading by a vote of yeas 99, nays 0.

The bill for the support of the Insane Asylum, appropriating $60,000 for the years of 1877 and 1878, also $3,000 for repairs upon the water works, was taken up and passed its second reading by a vote of yeas 97, nays 2.

THE SPECIAL ORDER.

The bill to provide for an inferior court in the several counties of the State, was taken up as the special order of the hour.

On motion of Mr. Moring, it was agreed to consider the bill by sections.

Section 1 was read and Mr. Moring moved to strike out the words "civil and," so as to leave the proposed court of Justices only criminal jurisdiction.

A long debate followed, and the House adjourned.

NIGHT SESSION.

By Lloyd, col.: A bill to incorporate the town of Point Caswell, Pender county. Committee on Corporations.

UNFINISHED BUSINESS.

The bill to provide for inferior courts, in the several counties of the State, was taken up as the unfinished business.

The bill as a whole then passed its second reading by a vote of yeas 52, nays 38.

The question recurred upon the passage of the bill on its third reading and it passed by a vote of yeas 51, nays 41.

—The English papers can't swallow Dr. Schliemann's stories of treasure.

WASHINGTON.

WASHINGTON, Feb. 22.

In the Commission Stanley Matthews opened, and Evarts followed, and Merrick will close at half-past two, when the Commission will close the case. The public take little interest in the case, as it is generally considered prejudged, but the hall is crowded with lawyers hearing the argument, which is pretty legal.

On motion of Justice Strong certain evidence was received subject to decision of the Commission. After argument upon its formal reception and legal weight there were no objections. 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 bearing of the evidence is not yet developed.

Two objections by Democratic counsel have been overruled, one unanimously, the other with one dissent.

The Commission is in secret session.

The House occupied the day considering the Civil Sundry Appropriations bill in Committee of the Whole. The principal appropriations in behalf of the South are $15,000 for the continuance of the work on the Atlanta, Ga. postoffice; $5,300 for the same object in Raleigh, N. C.; $13,000 for the 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, Mississippi, Missouri, North Carolina, South Carolina, Texas, Tennessee and Virginia, in the years of 1859, 1860, 1861, and before said States respectively engaged in war against the United States, and the provisions of 3480 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 again paid. Without disposing of the bill the House took a recess until to-morrow.

The sword worn by Confederate General William Barksdale, taken from his body after he fell mortally wounded in the battle of Gettysburg and deposited in the Ordnance Museum, was delivered to-day to his brother, Hon. E. Barksdale, to be conveyed to his friends in Mississippi.

The evidence submitted showed that Watts resigned by telegraph November 13. His resignation was accepted by telegraph November 14. A special agent took charge of the office. Watts' account with the Postoffice 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 had, in accordance with law. A result was obtained which was acquiesced in by the people, and the 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 receive 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 he been a duly appointed elector. He thought the Commission would have little trouble in reaching a conclusion as to which was the legitimate matter. 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 the attempt to make him stand as such till after this count. Accept, 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 a 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 the State of Rhode Island, where 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 in the cases 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 Governor 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 vote of Florida, except that on which the certificate 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 confirmed, in accordance with the laws of the State, the inquiry was checked. In Louisiana and Florida 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 Casanave, but because they reached the great seal of the State. To fix the line between the States and 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 internecine 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, or 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, the power to issue the certificate 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 exercise of an executive trust. In the other cases 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 Governor attempted to rescue the State from the odium of a charge of having violated the Constitution of the United States. Referring to Mr. Matthews' allusion to a conspiracy, and the cipher telegram between Gramercy and Park of 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 *de facto* 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 vote. It was the result of the votes 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 that in the other States other and very remarkable papers had been made. 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 not execute itself, and cited authorities in support of his position. In reference to the vacancy, he contended that if Odell and Cartwright filled a vacancy, they did so on the resignation of Watts, and not the absence of Cronin, who, holding the certificate, was a *bona 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 half-past 4 o'clock the Commission took the case and the result is expected momentarily.

The Commission adjourned to half-past 10 o'clock to-morrow. It is conceded that the Democrats have made a strong case and the Republicans are not without apprehensions.

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

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

In the Senate, Mr. Edmunds, of Vermont, from the Judiciary committee, reported favorably on the bill for removing the political disabilities of D. H. Hill and L. S. Baker, of North Carolina, and others, and it was placed on the calendar.

The following confirmations were made to-day: Warfield, collector of customs at Alexandria, Va., and Mills, at Richmond.

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

The following is authentic:

The Electoral Commission was in session to-day from ten until half-past four o'clock. At five the Commission went into secret session, and remained therein until twenty minutes past seven, when it adjourned till to-morrow morning at half-past ten o'clock. The questions presented by counsel were discussed in 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 counsel, an adjournment was thought to be advisable. Many law points 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 in joint meeting of the two Houses will not take place until Saturday.

WASHINGTON, Feb. 23.

The Commission adopted a resolution that the ballots cast by Odell, Cartwright and Watts were the lawful electoral votes of the State of Oregon, and should be counted for Hayes and Wheeler. The vote stood eight yeas to seven nays.

WASHINGTON, Feb. 24.

At the end of two hours the two Houses reassembled in joint session and the vote of Oregon was counted for Hayes and Wheeler.

Pennsylvania was next opened, and Messrs. Springer and Tucker presented objections. They were signed by a sufficient number of members and Senators, and allege a vacancy illegally filled by the College. The Houses separated, and a motion for a recess to 10 o'clock Monday was carried by a vote of 132 to 121.

In the Senate, Mr. Conkling, who was absent heretofore when the question of sustaining the decisions of the Commission came up, said, in the Oregon case, the State of Oregon intended to appoint a Republican elector and the people of Oregon intended to elect a Republican elector and voted for Mr. Watts. The Commission had given its decision, and he disclaimed any intention of alluding to any of the reasons which prompted the decision of the Commission, and, believing that the State of Oregon intended to appoint Republican electors, he should vote to sustain and affirm that intention and the decision of the Commission. He was also opposed to impeding in the slightest degree the operation of the decision of the Commission, and on the contrary was in favor of aiding it and consummating it at the earliest practicable moment.

The decision was sustained by a party vote.

J. B. Williams, Jr., of Mobile, Ala., testified before the Senate committee on Privileges and Elections in regard to the Chapel Hill church fight in Mississippi. He said the negroes did the first firing; that Bazan was four miles from the fight. He is the man that Outlaw said killed the negro Chas. Curry, and that Henry Outlaw was one of the ringleaders of all the disturbances that had occurred during the canvass in Oktebbeha county.

Disavowals that Hayes in any way inspired the article in the Ohio *State Journal* regarding the recognition of Packard's government in Louisiana, continue to come in. The associate proprietor of that paper and the Secretary of the Ohio House of Representatives both telegraph that Gov. Hayes was not responsible for it. General Conly, the editor, is seriously ill. Speaker Grover's dispatch says the article in question was originally a communication lying in the office, and was used by the young men in charge of the office, in the absence of Gen. Conly, occasioned by illness.

The Senate, after a two hours' debate, agreed to count the vote of Pennsylvania without division.

CAPTIONS

of the Acts and Resolutions Passed by the General Assembly at its Session of 1876-'77.

An act to establish Boards of Health in the State of North Carolina. Constitutes the State Medical Society of North Carolina a Board of Health. The Board shall take cognizance of the interests of health and life; shall make sanitary investigations and inquiries in respect to the people, the causes of disease, especially epidemics, and the sources of mortality, and the effects of localities, employments, conditions, &c., and shall collect such information in respect to these matters as they deem best, &c. Ratified 12th February, 1877.

An act amending the act incorporating the Farmers', Mechanics', and Laborers' Union Aid Association of New Hanover county. Ratified 31st January, 1877.

An act amending the Code of Civil Procedure, by adding to paragraph 2, section 349, chapter 11, title 14, the following: "If upon a person who cannot be found after due diligence, or who is not a resident of this State, then service thereof may be made by the publication of the notice once a week for two weeks in some newspaper published in the county; if no newspaper be published therein, then in one published in the Judicial District, a copy of the notice being deposited in the postoffice, directed to the person on whom it is to serve, &c. Ratified 31st of January, 1877.

An act removing road exemptions in the county of Clay. (All persons between 18 and 45 compelled hereafter to work the public roads, unless they procure an exemption from the Township Board of Trustees, to be good for one year.) Ratified 31st January, 1877.

An act amending the act to regulate the times of holding the terms of Cumberland Superior Court. (The extra term directed to be held shall be held by the Judge of the District.) Ratified 31st January, 1877.

An act to protect fish in Waccamaw Lake and adjacent waters. [Provides that no person shall set a fish net, ware or fish trap of any description, or in any waters emptying therein, or flowing therefrom, within four miles of the margin of the lake. Persons offending guilty of a misdemeanor, and upon conviction before a justice shall be fined not more than $50, or imprisoned not more than 30 days.] Ratified 31st January, 1877.

POLITICAL POINTS.

—By a vote of eight to seven J. Madison Wells is a peer and Eliza Pinkston is a peeress.—*N. Y. Sun.*

—It was queer to see Sam Cox try to force Bible texts into the ears of men bent on making a fraudulent President.—*N. Y. Sun.*

—In four years more the Radicals will have to have a returning board in every State of the Union to beat Tilden.—*Indianapolis Sentinel.*

—John Sherman thanks God that Congress has no power to reverse the fraudulent decision of the Louisiana Returning Board. He should thank Joe Bradley.—*N. Y. Sun.*

—President Hayes certainly has a great opportunity.—*Springfield Republican.* Yes, he has the opportunity of a thief or a burglar to make a pious use of the stolen property in his hands.—*N. Y. Sun.*

—Washington *Union*: So far as Mr. Hayes has given any revelation of himself, he appears to stand in the same exclusive relation to statesmanship that Mr. Tupper occupies toward poetry.

—The accusing spirit, which flew up to heaven's chancery with the oath, blushed as he gave it in, and the recording angel, as he wrote it down, dropped a tear of indignation on the words and made them look blacker.—*Courier-Journal.*

—The following lines, from Fenton, furnishes a first-rate motto for the patent Congressional Returning Board, now sitting in Washington:

Grave as Libanius, slumbering o'er the laws,
While gold and party zeal decide the cause!

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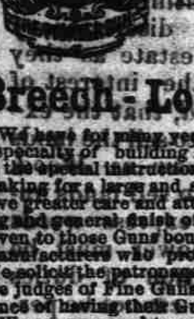

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