

"DON'T RESPECT LAW"

SAID REPRESENTATIVE EWART YESTERDAY IN THE GRANVILLE COUNTY CASE.

PEEBLES DRIVES HIM TO COVER.

But Crews was Seated by the Usual Gag Vote--Mr. Lusk is Made to Look Pityable by Mr. Peebles--Duffy's Time Ground up by the Fusionists--An Uninteresting Day in the Senate--Only Routine Business Transacted.

The House was called to order at 11 o'clock yesterday; prayer by Rev. R. P. Troy, of Weldon; during the reading of the journal, Mr. Turner, of Mitchell, moved to dispense with the rest of it.

Memorials and Petitions.

Mr. French, memorial of Association of Charities, city of Wilmington, for the establishment of a Juvenile Charitable Institution; Mr. Alexander, of Tyrrell, in favor of the tax payers of North Carolina, concerning the seats of the contestees, that they shall receive no pay, if they are not seated; Mr. Cox, J. E. Person (petition) that his rights be protected in the election case from Wayne; Mr. Harris, petition of J. G. Mason for pay as oyster inspector; Mr. Hooker, for the relief of Richard Lane; Mr. Reynolds to prevent obstruction in Drowning creek, Moore county; Mr. Lusk, petition from citizens of Buncome, protesting against the change of name of the town of Raymond; Mr. Ellis, petition of citizens in New Hanover county, in relation to stock law--to accompany the bill on the subject; Mr. Peebles, petition from citizens of Northampton on the question of temperance.

Reports of Standing Committees.

To incorporate Booneville, Yadkin county. (Reported favorably after striking out section 6); to amend charter of the Murfreesboro Railroad Company; to extend the charter of the Piedmont Bank at Greensboro; to incorporate David Lodge; to incorporate South Biltmore; to prevent lawlessness within half mile of Jones's Grove Church; to amend the charter of Mr. Airy; to establish graded schools in Mt. Airy; to extend the corporate limits of Suow Hill; to amend section 85, chapter 359, laws 1887; relief of sufferers from fire (unfavorably); to repeal the stock law in New Hanover county; regarding election of United States Senators; to provide for working of convicts in McDowell county; to protect persons holding first class tickets, &c., (unfavorably); to amend Chapter 26, laws 1893, (amended by committee); to establish county governments; to allow commissioners of Green county to levy a special tax; to incorporate Trustees of Watts Hospital; to allow Trinity Land company to hold and own land in excess of 300 acres.

Bills and Resolutions.

Mr. Lusk, to pay Edwards & Broughton \$100 for binding 100 copies of the Code; Mr. Turner, of Mitchell, that this house meet at 9.30 and adjourn at 1.30 p. m.; Mr. Smith, of Stanly, to allow the Atlantic and Danville railroad certain rights; Mr. Petree, to amend section 1, Chapter 448, Laws of 1893; Mr. Johnson, to repeal chapter 224, Public Laws 1893; Mr. Peaces, to amend section 93, chapter 216, Laws 1893; Mr. Buchanan, for relief of the Clerk of the Superior Court of Clay county; Mr. Phillips, of Randolph, to authorize the Treasurer of Randolph county to pay school claims; Mr. Bazwell, to equalize taxation; Mr. Abbott, to encourage the common schools of North Carolina; Mr. Hooker (by request), for relief of Richard Lane; Mr. Howard, to repeal chapter 491 Laws 1893; Mr. Baker, to repeal chapter 523, Act 1893; Mr. Baker, to abolish days of grace; Mr. Julian, to amend chapter 148, section 1, Laws 1891, relief of James M. Monroe; Mr. Williams, of Craven, to limit the punishment of larceny in certain cases; Mr. Flaek, to incorporate Rock Springs Camp Ground in Rutherford county; Mr. Young, to incorporate the Union Society.

Mr. Williams, of Craven, to regulate judicial sales in Craven county; Mr. Ellode, to repeal chap 469, Pub. Laws 1893; Mr. White, to require the Speaker to keep his eyes on the members and not on the gallery (Committee on Gallery).

Leaves of Absence.

Leaves of absence were granted to Mr. McClammy for two days; indefinite leave of absence for Mr. Campbell, Mr. Johnson, of Sampson, until Monday, Mr. Etheridge till Monday; indefinite leave for Curry, of Cumberland.

Mr. French, asked for suspension of rules to pass the new rules, said it could be done in five minutes. Mr. Peebles thought it would take some time to discuss the matter, and Mr. French said he would call up the matter at the expiration of the morning hour to day.

The Granville County Case.

Mr. Ewart asked for the majority report in the case of Crews against Lyons, of Granville. Mr. Reinhardt sent up a minority report. The Speaker said that no minority report had been filed with the clerk.

Clark was based upon no single authority, and was in contravention of three distinct and established propositions of law, namely:

1. Every public officer is presumed in the absence of evidence to the contrary to discharge faithfully the duties of his office. 2. Every person is presumed to know the law, and what is necessary to enable him to exercise the rights of franchise. 3. When it becomes necessary for one to rely on the fact that a public officer did not discharge his duty, the burden is upon him to show it.

The evidence of Bobbitt and J. D. Hunter was asked for by Mr. Peebles. Bobbitt's evidence said that those names were registered from different States as their birth place as they stated, and that Registrar Bobbitt read the head-lines of the registration books to the electors, as required by law, and because Mr. Bobbitt thought this was according to law, the other side raise this as a reason why they are legal voters. Mr. Hunter's evidence was read but elicited nothing of importance. But both the registrars read over the head-lines, all the duties required of them by the Supreme Court.

"Are you prepared to go against this decision?" Mr. Peebles read from the opinion of Judge Pearson in the case of Houston vs. Bogel, covering the point that the right to make laws is in the Legislature, to decide laws in the Supreme Court, and that therefore the illegality of these registrations must be binding upon the House. If we decide here that the laws were on registration, don't we usurp the rights denied us in this decision? Mr. Peebles read from Sutherland vs. Goldsboro, also from an opinion by Judge Merrimon, holding that a qualified voter is one who is duly registered, and he cannot be one unless he is duly registered. The Chairman, Mr. Ewart, says that the canvassing board is final. Yesterday he said we were bound by the unbridled will of the legislature. He says that because the objections of the contestee were not made before the canvassing board, it was, therefore, too late, but in the case of Buchanan precinct, the throwing out of which vote would elect the contestee, it seems that it is not too late. The decisions of these canvassing boards are not binding in the legislature. Mr. Peebles read a New York decision from The People vs. Peace, saying that the due qualification of voters was not concluded by the decisions of inspectors; it was open to examination at subsequent proceedings upon any competent evidence. The canvassing is only the evidence of the right, and the court held that the decision of the canvassing board did not finally decide the qualification of the voters.

Mr. Lusk: "In the event of a voter's failure to register, would he be deprived of his vote?" Mr. Peebles: "Unquestionably he would." Mr. Lusk read from the Constitution the first prescription laid down for the Registrar for electors. Mr. Peebles read what followed, and called attention to the additional qualifications to be laid down by the legislature. Mr. Lusk, "suppose the legislature did not prescribe registration?" Mr. Peebles said that was simply hypothetical, but "my horseback opinion is that if the legislature failed in its duty, the elector would be entitled to his vote because, then it would be no fault of his."

Such, however, was not the case, said Mr. Peebles. Such questions as that continued Mr. Peebles, make my heart sad. I am sorry that Mr. Lusk's questions to day and his loyalty to the Republican party are such as to make him forgetful of the laws of North Carolina. The honest people of North Carolina, of all parties, don't want the laws of the State trampled under foot and why should you when you have here a plenty of representatives and to spare? I had hoped that we could come to these questions with a judicial mind, but I fear that you are about to disregard the laws as laid down by the Supreme court of the State.

by a Populist, who, Mr. Alexander claimed, was first knocked down with a stick by the Democrat. Mr. Duffy followed nearly the legal points laid down by Mr. Peebles.

Mr. Mitchell wanted to know what made those votes illegal. He wanted to know if it was not because they did not know where they were born, and if Mr. Duffy knew where he was born. Mr. Ewart said that the Democratic defence was a merely technical one, that the tactics were those of the sharp lawyer. If the face of the returns had been brought here, the contestant would have had his seat, but somebody, he did not know who, had had some precincts thrown out. Mr. Ewart spoke concerning the ballots that were cast out about which, said Mr. Ray interrupting, the Democrats made no dispute. Mr. Ewart objecting to interruption. Mr. Ray said that "four-fifths of the time of the member from Onslow had been taken up by them, and now when he interrupted, they squealed."

Mr. Ewart (with some excitement) "Mr. Speaker, I object to any more interruptions of that kind." Mr. Peebles: "Mr. Speaker"--Mr. Ewart, I object to being interrupted in a middle of a sentence. Mr. Ewart said that the contestee having failed to assert his rights before the county canvassing board, having slept upon his rights, it was too late now for him to come here, which was a court of equity and not a place to be held down to the rules of technical pleading. Mr. Ewart took up the case of Harris vs. Scarborough, and stated Mr. Peebles's position, that a man registered from a State merely was not qualified, and claimed that this was a man of straw. Mr. Ewart said that that question did not arise here. The question was if the failure of the electors to register according to law was their fault or not. Mr. Ewart said that the decision in the Scarborough case was a political one, and quoted Judge Clark's dissenting opinion that a registrar who allowed a voter to register wrongly occupied an indefensible position.

Mr. Ewart said that in the hearts of hearts the Democrats knew that was true, when Mr. Ray arose, but Mr. Ewart refused again to be interrupted. Mr. Ewart quoted from an opinion of Judge Avery that if it was the fault of the Registrar the vote of the elector should be taken, and said he would show that such was the case. Mr. Ewart read from the evidence of Bobbitt saying that he thought that registering from States, merely, was legal, and said if Mr. Bobbitt believed this the only conclusion was that he told the electors that this was sufficient, and that, therefore, the fault was not with the elector. Mr. Ewart, speaking of the binding force of Bobbitt's registration lists of 1893 upon that of 1894, said that when men were registered they were properly on the books. Mr. Ewart spoke of the duty of men of honor on the Democratic side in this case, when Mr. Ray said that was unnecessary as the Democrats had as much honor as he had. Mr. Ewart said that the gentleman from Northampton had yesterday said that not three men had voted intelligently. Mr. Ray thought that was true, and Mr. Peebles said that he meant it to include both sides as they could not do so on the refusal by the other side to allow the reading of the evidence. Mr. Ray asked Mr. Ewart if those electors were registered according to the decision of the Supreme Court. Mr. Ewart answered no. Mr. Ray said that the decision was not even by a divided court, as Judge Clark concurred on the point raised here. Mr. Ewart said it was the fault of the registrar and, therefore, the elector should not be excluded. Mr. Ray wanted to know if Mr. Ewart depended upon the evidence to determine lack of fault on the part of the elector. Mr. Ewart said yes. Mr. Ray said no such evidence had been brought out. Mr. Peebles asked if Mr. Bobbitt didn't know this registration was illegal, could he have told the electors that they had registered wrongly, and asked Mr. Ewart moreover, if it was not laid down in the Scarborough case as a prerequisite qualification that the burden of proof was on the elector to show that it was not his fault that he had registered wrongly. Mr. Ewart denounced the opinion in the Scarborough case, as not respected in North Carolina and said that 47,000 majority had so said in the last election. Mr. Peebles said he was not aware that the people were voting on that decision.

Hungry Henderson. There were lively tilts between Messrs. Ewart, Peebles and Ray, all speaking at once, when Mr. Henderson rose and said he was hungry and wanted to go home. Mr. Ray said he was out of order and Mr. Henderson said he wanted to eat, and get in order.

Mr. Ewart, at 2:54, called for the previous question, which the Speaker ordered. The vote, by ayes and noes, was taken on the minority report with the following result: on strictly party lines, ayes 41, noes 51. During the call of the roll, Mr. Henderson wanted to know where we were going to put the new colored member, he was sure that if he was put among the Democrats, he would be offensive to the nasal appendage of the gentleman from Missouri, but as all the Democrats seemed to have had colds he supposed they could stand him for awhile.

Michael, Morrow, Pease, Petree, Phillips of Pitt, Self, Smith of Cleveland, Brown, Flack, Keathly, Linney, Strike-leather, Spas, Buchanan, Norman, Abbott, Fish, Interests, Abbott, Chairman, Pool, Duncan, Darden, Harris of Hyde, Squires, Williams of Craven, Leary, Bateman, Alexander of Tyrrell, Etheridge, Gallop, Hooker; Education, Abbott, Mayes; Finance, Abbott; Blind Institutions, Higgins of Alleghany, Hooker vice Ward, Propositions and Grievances, Woodard vice Daniels; Corporations, House vice Smith of Jones; Deaf and Dumb, King; Health, Vick; Agriculture, Higgins of Yancey, vice Ward; Military Affairs, Woodard; Insane Asylum, McCauley.

At 3:13 the House adjourned to meet this morning at 10 o'clock.

SENATE.

The Senate was called to order at 11 o'clock by President Doughton. Prayer was offered by Rev. Mr. Jones, of Greensboro. The journal of Wednesday was read and approved.

Petitions Presented. By Mr. Candler, R., of Jackson, from citizens of Swain county for larger property exemption. By Mr. Paddison, P., of Pender, by citizens of Pender for change of time of holding court in that county. By Mr. Sigmon, R., of Catawba, from citizens of Catawba to change corporate limits of Houck Chapel. By Mr. Parsons, P., of Hyde, from citizens of Pamlico to amend stock law in that county. By Mr. Adams, D., of Moore, petitions from citizens of that county for incorporation of Holly Springs Church and Bethlehem Baptist Church.

Bills and Resolutions Reported. The committee to which they had been referred reported the following bills and resolutions: Bills, to incorporate the Bank of Edenton (favorably); to amend section 74, laws of 1887, to allow dentists longer time in which to register (favorably); to amend Code in regard to payment of costs in criminal actions (unfavorably); to amend chapter 50, section 2010, of the Code (favorably); resolution of enquiry into the case of Mrs. P. D. B. Arrington (unfavorably); bills, to prevent usury (unfavorably); to repeal chap. 520, laws of 1891 (unfavorably); to amend the constitution (unfavorably); to amend section 616 of the Code (amended by committee and reported favorably); relating to labor of convicts on county farms in Bertie county (favorably).

Bills and Resolutions Introduced. By Mr. Westmoreland, R., of Davidson, bill to amend chapter 52 of the Code, relative to public printing and binding. By Mr. Carver, R., of Cumberland, bill lengthening terms of Superior Courts in Cumberland county. By Mr. Hoover, P., of Wilson, bill to prevent others than chartered insurance companies to do business in this State.

Of all Fevers the worst and most serious is Dengue or break-bone fever. Called "break-bone" because one's bones are not only racked with pain, but feel as if they were tightly held, as by a vice. At times one feels that the pain is almost unbearable, and many are brought to Death's door by the terrible prostration which follows this grievous complaint. All persons should know that Brown's Iron Bitters is the one medicine which relieves this extreme weakness and brings the patient back to sound health by its well-known medicinal qualities. From the first bottle the improvement is marked and permanent recovery is but a matter of a short period.

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