

The Wilmington Sun.

\$7.00 a Year.

WILMINGTON, N. C., FRIDAY, DECEMBER 20, 1878.

3 Cents a Copy

BAYARD TAYLOR DEAD.

Americans of all parties, of every section, and not Americans only, will hear with deep regret the intelligence of the death, in Berlin, yesterday afternoon of Bayard Taylor, the distinguished Minister of the United States to the Imperial Court of Germany. The decease of Mr. Taylor was not unexpected, as for some time reports have been published of his failing health.

In the crowded condition of our columns this morning, we have not the space for that full obituary of the deceased which is demanded. We can only say that a considerable poet, an excellent journalist, one of the most entertaining of travelers and a gifted and accomplished general writer has been gathered to his fathers in the mysterious land, "The Masque of the Gods" and "Deukalion" are his best known and most highly prized achievements in poetry. His books of travel are multifarious. The volume on Egypt and Central Africa is the only one with which we have personal acquaintance. It is charming. The loss of Bayard Taylor is a great one to American literature.

THE CANVASSING BOARD.

The result of the adjourned session of the State Canvassing Board was given by special telegram yesterday. In addition to the details then furnished, we print, this morning, an outline of the argument on both sides in the Kitchen-Hara contest.

It was expected that the Board would give Mr. Kitchen his certificate of election as member of Congress from the Second District, because he was elected according to the returns from the counties, and the Board had decided at the previous session that it could act in a ministerial capacity only.

O'Hara, who of the two Republican candidates had the larger vote, secured an injunction restraining the State Board from counting the returns from Edgewood, Craven and Halifax, unless these returns should be altered so as to admit certain precincts thrown out by the county boards for informalities and want of conformity to law. This injunction the State Board at its first session refused to regard as binding, but still adjourned until the 18th instant. In his opinion in the Edgewood mandamus case Judge Seymour, who had granted the injunction in the case of the State Board, said there were two questions which arose: 1. Had the county board the right to reject the precinct returns for the reasons assigned in their answer. 2. Had the Superior Court, sitting as a Court of Equity, the power to grant the relief asked. The Judge held that the powers of the canvassing board were only ministerial; that they had no right to reject returns, but that they must simply cast up the returns and certify them. He cited a number of authorities to show that the canvassing board acts ministerially only.

On the second question the Judge was more reserved. "The question is one," he says, "that has been differently determined by different tribunals. The high authority of Judge Cooley is against the power of the Courts under the circumstances of 'this case.' And then he cites Cooley so far as to put that eminent jurist where he, Seymour, can make what he imagines, is a happy answer to the difficulties raised. Judge Cooley had said in his great work that 'if canvassers refuse or neglect to perform their duty, they [the Courts] may be compelled by mandamus, though as these boards are created for a single purpose only, and are dissolved by an adjournment without day, it would seem that mandamus after such adjournment would be inapplicable, inasmuch as there is no longer any board which can act.' Cooley, *Con. Lim.*, p. 623. 'This objection,' says Judge Seymour, 'is a purely technical one.' He gets out of the difficulty by holding that 'the canvassing board of Edgewood has never counted the vote of that county, and it is still in existence as a quasi corporation, and under obligation to perform its unfulfilled duty.' 'This obligation the court can compel it to fulfill.' He then cites authorities, some of which had been cited by Judge Cooley, and one case from the North Carolina reports—that of Moore vs. Jones. He bases his decision to issue the mandamus on the canvassers of Edgewood on the authority of that case.

In the matter of a further restraining order to the State Canvassing Board, he 'reluctantly comes to the conclusion that 'he has no further jurisdiction.'

The minority of the county canvassing board in the disputed counties have pretended to file returns in obedience to Judge Seymour's instructions with the State Board which 'returns' of course were not regarded. The case will come up on appeal before the Supreme Court. Mr. Kitchen will take his seat in Congress, and we imagine there is no doubt that he will hold it during the term for which he was elected, unless he should unfortunately for the people of his District, 'shuff off this mortal coil.' We trust he may be spared for yet many a tilt with the enemy.

Some of our contemporaries are urging the abandonment of the present mode of canvassing the votes and the return to the old one. The *Charlotte Observer* and *Democrat* and the Hillsboro *Recorder* think the law should be repealed by the Legislature. In this opinion *The Sun* con-

consents. The present system is complex and opens the way for bitter personal disputes and prolonged litigation. Beside, as the law stands, there is doubt as to what the powers of the boards are, whether judicial as well as ministerial or ministerial only.

SUN TELEGRAMS.

EARLY AND MIDNIGHT REPORTS.

THE FEDERAL CAPITAL.

Postal Car Service—Passage of the Indian Appropriation Bill—A Message from the White House.

WASHINGTON, December 19.—SENATE.—The Vice-President today laid before the Senate a communication from John I. Davenport, clerk of the United States Circuit Court for the Southern District of New York, enclosing the presentment lately found by the grand jury in that court in regard to the issue of fraudulent naturalization papers, and suggesting various amendments in the naturalization laws. Referred to the judiciary committee.

Mr. Christiany of Michigan, from the committee on the revision of laws, reported to that committee yesterday to report sections 820 and 821 of revised statutes of the United States. The substitute provides for the repeal of section 820, providing the 1st of each for jurors. Ordered, that it be printed and placed on calendar.

Mr. Beck with notice that he would call the bill up for consideration tomorrow morning.

Mr. Doney of Arkansas, from the committee on appropriations, reported favorably on the House bill. Provides for the deficiency in the transportation by railroads and gave notice that he would call it up for consideration later in the day.

Mr. McDonald of Indiana, introduced a bill to reimburse the several States for the interest paid on the loan and for other purposes. Referred to committee on judiciary.

The Senate at the expiration of the morning hour, resumed the Senate bill to amend the statutes in relation to patents and for other purposes.

The Senate committee on appropriations today agreed to report favorably, and without amendment, the House bill appropriating \$1,500,000 to continue the postal car service throughout the current fiscal year.

Assistant Postmaster-General Branch and Mr. Thompson, superintendent of the railroad mail service, were previously heard by the committee this morning in advocacy of the bill.

A majority of the committee were opposed to the House stipulation that there shall be no increase in the present postal car service during the remainder of the year; but rather than endanger the speedy enactment of the bill by returning to the House, the committee decided to advise its passage by the Senate, without amendment.

The Republican Senatorial caucus failed to reach a satisfactory conclusion as to determining the Republican membership of the committee of investigation under Blaine's resolution, owing to engagements made by the Senators for a holiday, and other considerations of personal convenience.

Messrs. Blaine, Allen and Christiany were appointed a committee to confer informally with the members of the caucus and then to present and arrange matters to report at a future caucus.

The Senate passed without amendment the House bill appropriating \$450,000 dollars to provide for deficiency in appropriation for transportation of the mails by railroads during the present fiscal year, providing there shall be no increase in the postal car service beyond what existed on the first of December, 1878.

Among the confirmations today, were Edward A. Sullivan, to be postmaster at Harrisonburg, Va., and Fred. Strange, at Opelika, Ark. Several other appointments of postmasters, Indian agents and naval officers, were also confirmed.

The Vice-President announced, as a select committee to inquire whether the constitutional right of citizens were violated, in accordance with Blaine's resolution, adopted on Tuesday, Messrs. Teller (Col.), Cameron (Wis.), Kirkwood (Iowa), Mitchell (Oregon), Plumb (Kansas), Bayard (Del.), Wallace (Penn.), Bailey (Tenn.) and Garland (Ark.).

Messrs. McMillan and Plumb were subsequently excused from service on the committee, and their places respectively filled by the appointment of Messrs. Hoar and McMillan.

The patent law, which had been under discussion, was postponed until January 7th.

The Senate adopted the House bill extending the time for report of the committee on Indian transfer.

HOAR.—On motion of Mr. Acklen of Louisiana, J. S. Young was sworn in to fill the vacancy in the Fifth Congressional District of Louisiana, caused by the death of J. J. Leonard.

OVER THE ATLANTIC CABLE.

Fourth Week of the Strike.—Mr. Gladstone.

LONDON, Dec. 18.—Gladstone's willingness to contest Edinburghshire for the House of Commons, is conditioned on assurances to be given by the Liberal commissioners, that they can secure his return. The object being to win that important seat, Lord Dalkeith present member being Conservative.

An Odham dispatch says a number of mills, principally those of limited companies, have commenced running part machinery at a reduction, but the 'Minders' have in very few cases appeared to look after the mills. The 'Piecers' engaged in many instances for 'Minders' work, have performed their duties satisfactorily. It is a part of the scheme of employers to break down the 'Minders' union by employing 'Piecers' to tend the mills, and thus disperse with the 'Minders' altogether. The following companies have started work: Borough, Broadway, Higginshaw, Bell, Wernoth, Equitale, Hamdary and Honeywill. In the case of one or two, they have been obliged to commence in consequence of large and profitable orders. A scheme has been set on foot by which a reduction will remain in abeyance until the settlement of the dispute; in the meantime the money will be invested at interest, and if employers will they will draw the money and vice versa. The employers generally will not agree to such a thing, and demand that a 5 per cent reduction be unconditional and permanent. It is stated that so bad is trade, that they are even prepared should the operators go on upon a reduction to win for a short time. They are firm upon the question of reduction. The strike has now entered upon its fourth week, and there have been lost in wages £50,000 besides the loss of capital. There is great distress among the operatives, and appeals are being made for their relief.

The Welsh American minister is some better.

Commissioner McCormick reports that nearly all goods to be returned to the United States from the Paris Exposition, are already at Harve, and will be shipped from there on the Constitution and Supply before the first of January.

A telegram to Lloyd's, dated Galata today, reports the steamer Byzantine from Marseilles for Constantinople, as having been sunk in a collision. One hundred and fifty lives were lost. Only fourteen persons were saved.

SOUTH CAROLINA.

Consolidated Bonds Pronounced Invalid—Hampton Slowly Improving.

COLUMBIA, December 19.—The Court of Claims, popularly known as the Bond Court, consisting of three Circuit Judges, announced its decision today upon the validity of the consolidated bonds, coupons and certificates of stock issued under the act of 1873, known as the consolidation act. The opinion holds that the vouchers upon which such consolidated bonds and stocks were issued, as specified in the conclusion reached by the court, amounting to about \$1,400,000, were not issued in accordance with law and authorized to be consolidated under the act of 1873, and that consolidated bonds and stocks exchanged for said vouchers so far as they were reported for their validity, are not binding obligations upon the State. The opinion is pronounced by Judges Thomson and Aldrich. Judge Hudson dissented. The matter will be carried to the Supreme Court in the interest of the bondholders.

Gov. Hampton's condition remains about the same, although it is thought he is slowly improving.

NEW YORK.

Fire Medal—Railroad Strike—Red Leary in Court.

NEW YORK, Dec. 19.—The James Gordon Bennett medal for meritorious service was this morning presented to Fireman Thomas J. Dougherty, of Hook and Ladder Company No. 1, for heroic conduct in rescuing two persons from a burning building.

One hundred policemen are on duty along the line of the Third Avenue railroad, although everything is quiet. The strikes this morning commenced receiving aid from the drivers on other lines.

Under a strong guard of deputy sheriffs armed with revolvers, Red Leary, suspect of being the Northampton bank robber, was brought into the Supreme Court this morning on *habeas corpus* proceedings. The court room was densely crowded. The prisoner's counsel demanded the sheriff's return, claiming a case of mistaken identity. They assert that Leary was not in Massachusetts at the time of the bank robbery and claim that the whole proceeding was forced on the Governor of Massachusetts and New York. Detective Penkerton testified as to the identity of the prisoner, but on cross examination admitted that he had no personal knowledge of his being in Massachusetts at the time of the robbery. A formal motion was then made for Leary's discharge. Judge Davis held that a *prima facie* case had been made, and adjourned the case till Saturday to allow time for the production of evidence of the defective character of the papers on which the Governor acted.

Death of Bayard Taylor.

WASHINGTON, Dec. 19.—The Secretary of State has a telegram from Mr. Sidney Everett, Secretary of the United States Legation at Berlin, announcing the death of Minister Bayard Taylor at 4 o'clock this afternoon.

BERLIN, Dec. 19.—The fatal symptoms which preceded Minister Taylor's death, came on suddenly. He had been out of bed and was transacting business with officials of the American Legation yesterday. His death was peaceful and painless.

Perished in the Flames.

COBERS, N. Y., Dec. 19.—Last night, a fire, in Bowers street, destroyed the residence of Patrick Hourke. His four sons and two daughters were in the burning building. The girls were rescued; the older one is so badly burned that she cannot survive, while the younger was comparatively uninjured. Mr. Hourke died soon after being taken from the building. The boys were all dead, when found. The house was burned to the ground.

Robeson's Defense.

EX-Secretary Robeson and his chiefs of bureau have been granted four weeks in which to prepare their defence before the navy committee of the House, a majority of them being charged with malfeasance in office. Nothing can be done at the present Congress and in the Forty-sixth Congress Robeson will himself be a member of the naval committee and will have abundant chance to look after his good name.

LATEST MAILS.

EDGECOMBE AND NASH.

Mercantile Failure—Man Stabbed in a Fight.

BELLEHURST, N. C., Dec. 18.—I regret to report the failure here of Mr. J. A. Taylor, which was made known yesterday. The amount of the failure is not known to the writer, but I am safe in saying it is not more than \$10,000, if that much. I am glad to say that it was not from any imprudence that caused it, but from the general depression surrounding every other business in the land. He has made an honest surrender of everything, and his creditors show great willingness for him to manage the future as best he can. Had cotton been selling at average prices, as was expected in the earlier part of the season, he would have come out all right, and would not have shared the fate of many others like himself.

A cutting affray took place on the streets yesterday, between W. B. Taylor, white, and Janus Watkins, colored, in which the latter was badly cut to pieces. The disturbance seems to have grown out of a quarrel of beef sold some time since by Watkins, which belonged to Taylor. Watkins claimed to have sold the beef on credit and could not collect the money, whereupon he was called a 'damned liar,' when they latched, razors and knives being used. They were tried and bound in a bond for their appearance at February court in Nashville.

Call for Meeting of Northern Men Residing in the South.

Mr. N. Dumont, a Northern man, who has been for several years a resident of this city, has conceived an excellent idea which is fully set forth in the following circular, copies of which he is sending all over the South to Northern men who have settled in this section since the war. The circular is as follows:

CHARLOTTE, N. C., Dec. 14, 1878.

DEAR SIR:—I have consulted with a number of gentlemen who have moved from New York, New Hampshire and other Northern States and settled in this State, South Carolina and Georgia since the war, many of them ex-Union soldiers, myself among them from Springfield, Mass. The conclusion I have arrived at is that Northern men have in their hands the solution of the question as to whether any considerable number of good Northern men and active Northern capital can be diverted to the South. Many of the Northern papers are giving wrong notions as to how Northern people are received, and you know many of our friends will not put much faith in what Southern men or papers say on this head. We who have consulted upon this matter deem it wise to hold a convention of Northern men only, who have settled South since the war—good, fair representative men. Your name has been given as such an one. It is thought wise to hold this convention about January 15th, at Charlotte, N. C., it being more central for all. Arrangements have been made with the railroads for the round trip at one fare. Will you be kind enough to signify if you will come or not, and if you cannot come please address me a letter stating your views. It is desired in the convention to prepare a statement for publication in Northern papers, setting forth the soil, climate, prices, ease of making a living and social treatment of the individual Northern man. It is not desired to cover any question of politics or extreme views of any kind.

In your letter, whether of acceptance or declination, please state whether you were in the Federal army, company and regiment, where you moved from to your present residence, and how long you have resided at your present whereabouts.

We shall be glad to hear from you at the earliest day. You are not served.

N. DUMONT, Charlotte, N. C.

Gold at Premium and Par.

A premium was first established on gold January 13, 1862, when it sold at 103. The highest point reached in the year was 133, on 31st December. It opened in 1863 at that figure, and rose to 172, on the 25th February, closing the year at 157. It was at its highest on 11th of July, 1864, when sales were at 253, but by the last day of the year the figure recorded is 227. On the 4th January, 1865, the rate was 233, and was down to 128 on 11th May, but closed the year at 145. On Black Friday (23d September, 1869) the rate ranged from 133 to 162, and on the reopening of the Exchange on the 30th September, 1869, the figures were 132 and 130. In the next two years gold declined from 122 to 108, the latter in the last few days of 1871. In 1875, after the passage of the resumption act, it began the gradual fall which resulted Tuesday in the exchange of gold for greenbacks at par.

New Electric Light.

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WASHINGTON, Dec. 17.—Mr. Blaine's investigation resolution was finally passed yesterday by a practically unanimous vote, only six of the Democratic Senators voting in the negative. It was perfectly feasible for the Democrats to have carried the discussion over the holiday recess, but they came to the conclusion that the game was not worth the candle. They were influenced in their conclusion by the studied indifference toward the subject which has been displayed by the Republican Senators generally for several days past. To-night, after the Senate adjourned, two or three Republican Senators said openly that they would not have cared whether the resolution passed or not. It is noticeable that during the whole debate Mr. Blaine has been left to do all the talking by his Republican associates.

In the debate today, Mr. Merrimon (Dem., S. C.) said that he listened with astonishment and indignation to the assault upon the white people of the South by the Senator from Maine. It could only serve to revive sectional hate and array the colored people against the white people. It would injure the industries of the people, their trade and their commerce. The country should have peace and harmony, and there should be an end of sectional feuds. Thousands of colored men in the South had abandoned the Republican party and voluntarily joined the Democratic party, and the number increased at every election. It was to the decided interests of the colored people to vote with the white people. The Democratic party was in power in the South, and as a result, peace, order and good will prevailed.

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We make up from various sources an account fuller and more graphic than that sent by telegraph of the scenes on the passage of the political investigation in the House, on Tuesday:

WASHINGTON, Dec. 17.—Mr. Blaine's investigation resolution was finally passed yesterday by a practically unanimous vote, only six of the Democratic Senators voting in the negative. It was perfectly feasible for the Democrats to have carried the discussion over the holiday recess, but they came to the conclusion that the game was not worth the candle. They were influenced in their conclusion by the studied indifference toward the subject which has been displayed by the Republican Senators generally for several days past. To-night, after the Senate adjourned, two or three Republican Senators said openly that they would not have cared whether the resolution passed or not. It is noticeable that during the whole debate Mr. Blaine has been left to do all the talking by his Republican associates.

In the debate today, Mr. Merrimon (Dem., S. C.) said that he listened with astonishment and indignation to the assault upon the white people of the South by the Senator from Maine. It could only serve to revive sectional hate and array the colored people against the white people. It would injure the industries of the people, their trade and their commerce. The country should have peace and harmony, and there should be an end of sectional feuds. Thousands of colored men in the South had abandoned the Republican party and voluntarily joined the Democratic party, and the