

THURSDAY MORNING, March 1st, 1877.

THE SITUATION.—It is impossible to say at this writing what will be the result of the filibustering endeavors of certain democrats in Congress to obstruct a settlement by the Joint Commission of the Presidential issue. They are certainly in a minority in both Houses and whenever test votes are reached they invariably go to the wall. Notwithstanding this, however, they fight doggedly from post to pillar and appear to increase in desperation the closer they are pressed. It can be safely affirmed that no effort at parliamentary obstruction to defeat the counting in of Hayes will be left untouched, and from the shortness of time left to work in and the opportunities which the rules of the House afford the minority to obtain delay, it is still an open question whether a canvass of all the electoral votes can be accomplished before Monday next. If it cannot, then Mr. Hayes is out of the contest and the President pro tem of the Senate becomes the President and a new election results next Fall, unless Congress provides for one at an earlier date. A bill for this latter purpose has already been drafted by Mr. David Dudley Field, of New York, naming a day in May next for the new election. It is unlikely, however, that such a measure will pass the Senate. Although the situation is shrouded in uncertainties, and what is more to be regretted, is far from being free of sinister forebodings. And all this trouble, traced to its source, has its origin in Grant. We excuse neither the folly of the democrats in Congress nor the partisan conduct of the majority party in the electoral Commission, but it is only fair to state, notwithstanding that for Grant's lawless course in intermeddling with the freedom of election in the Southern States no extra constitutional Commission would have been possible. It is therefore to the friend and companion of robbers, to the fore-worn and venal magistrate, to the law-breaker Grant, more than any other to all other causes combined, that we owe our present troubles and the unhappy outlook before us. Hereafter, whilst cursing Hoar, Bradley and Edmunds, let us remember that they would have had no chance of counting Hayes into the presidency if Grant had not employed the army to sustain the corrupt returning boards of South Carolina, Florida and Louisiana.

DOINGS OF THE ELECTORAL COMMISSION.—On the 9th of February the commission rendered its decision in the Florida case in favor of the Hayes electors and said: "The ground of this decision stated briefly as required by said act is as follows: That it is not competent under the Constitution and the law as it existed at the date of the passage of said act, to go into evidence *alibi* the papers opened by the President of the Senate in the presence of the two Houses, to prove that other persons than those regularly certified to by the Governor of the State of Florida in and according to their appointment by the Board of State Canvassers of said State prior to the time required for the performance of their duties, had been appointed electors." Six days afterwards the commission rendered a decision in the Louisiana case, and stated its inability to go beyond the Governor's certificate based on the canvass, in exactly the same language, with the exception of the phrase "certified to by the Governor of the State," instead of "certified to by the Governor of the State of Florida." But there is a remarkable change of phraseology in the decision of the Oregon case rendered on February 23. It runs: "The brief ground of this decision is, that it appears, upon such evidence as the Constitution and the law named in said act of Congress is competent and pertinent to the consideration of the subject, that the before-mentioned electors appear to have been lawfully appointed such electors of President and Vice-President of the United States for the term beginning March 4, A. D. 1877, of the State of Oregon, and that they voted as such at the time and in the manner provided for by the Constitution of the United States and the law. And they are, further, of opinion that by the laws of the State of Oregon the duty of canvassing the returns of all the votes given at an election of President and Vice-President was imposed upon the Secretary of State, and upon no one else. That the Secretary of State did canvass these returns in the case before us, and thereby ascertained that J. G. Cartwright, W. H. Odell and J. W. Watts had a majority of all the votes given for electors and had the highest number of votes for that office, and by the express language of the statute those persons are deemed elected."

MESSRS. BAYARD AND THURMAN.—There are no two men in the country who are more responsible for the creation of the Joint Electoral Commission and the consequent counting in of a fraudulent president than the two Senators whose names head this notice—no two men who are more responsible or as much responsible. Their long character in public life, their high character, great ability, their faithful and loyal service to democracy, had deservedly entitled them to counsel their party on all critical issues and to direct its action. That they were actuated by the purest motives in persuading the democratic members of the House and Senate to give their sanction and support to the bill creating the Commission, we make no question. Nor do we complain that they invoked a method unknown to or outside of the Constitution to settle a question clearly within it. There was grave danger of war if Ferry should assume to count the electoral votes and to decide which were and which were not legal and there is now no doubt that he intended to do this and that Grant was ready to support him. What we object to in the course of Messrs. Bayard and Thurman is, that they should have consented and used their great influence to secure the passage of a measure which gave the Republicans an unfair advantage— which gave them a majority in the Commission. We have never been able to see why an odd instead of an even number of Commissioners should have been determined on—why, in brief, fifteen were preferred to fourteen. If the latter instead of the former number had been adopted, both parties could have had equal representation. Then, if party bias intruded itself, there could have been no decision, and each party would have retired unharmed to its original position. If it did not intrude, or intruded only to the extent of the Senate and House representation on the Commission, then four Supreme Judges could have been as safely trusted to make a fair decision as five. If Messrs. Bayard and Thurman did consent, however, that the Commission should be composed of an odd number, knowing at the time they consented that this odd member must necessarily be a Republican in politics, they should have insisted, even to the extent of breaking up the Commission, upon the passage of Senator Whyte's resolution which was, substantially, that the electoral bill be

so amended as to authorize the Commission to go behind the acts of the Returning Boards of Florida and Louisiana and interview the admitted frauds upon which their returns were based. It is bruited, indeed, that Edmunds assured Thurman that the electoral bill without amendment authorized the amplest investigation into the acts of the returning boards and at any rate that he took this view of it and should vote accordingly. Similar assurances are said to have been given by Hoar to Hewitt. Admitting that these assurances were given, and we have little doubt they were, can the democratic leaders be held blameless for resting the decision of the presidency upon the verbal promises of two Yankee politicians, especially when it was in their power to guard against possible deception by insisting upon Senator Whyte's or some similar amendment? We not only believe not, but we contend that they were guilty of a fatal oversight in allowing their cause to be removed from a tribunal where the contending parties stood as 1 to 1 to a tribunal where they stood as 8 to 7, and we further insist, that they are censurable for trusting to the honor of Edmunds and Hoar when they had it in their power to place the right of going behind the electoral returns of Florida and Louisiana beyond either question or quibble.

NOT SINGING IN TIME AND WHAT CAME OF IT.—The following case is reported under Circuit Court proceedings in the last issue of the *Port Tobacco Times*: "The case of State vs. J. Benjamin Mattingley, for assault upon Jerry Norris, was then taken up. These two young gentlemen were members of the choir of Pomfret church and Mr. Norris was accused of circulating a report that Mr. Mattingley was not a musical genius—in short, did not sing in time, being either too fast or too slow or perhaps both. Mr. Norris in very emphatic language denied that he had made any such serious charge against his singing brother, and did not speak in very complimentary terms as to his veracity. Whereupon Mr. Benjamin, unwilling to have both his musical talents and his veracity questioned, proceeded to 'put a head' upon Mr. Norris, which he succeeded in doing and caused a flow of the 'ruby' from the 'sneezers' of that young gentleman. All of which Judge Ford thought was very naughty in Mr. Mattingley, as he was a white robed minister in the temple of justice—which means that he is messenger to the Circuit Court. But inasmuch as His Honor is a devotee to music, and in his more youthful days was a flutist of no small pretensions, and knew what a serious thing it is to charge a man with not keeping time, he kindly considered this aggravation and fined Mr. Benjamin three dollars and half the costs. Notwithstanding the evidence disclosed that the quarrel was about the choir, a friend at our elbow says it was all about a fair chorister. We thought so. There always is a woman in the case."

FIRE.—We regret to learn that the store-house, together with the entire stock of goods, of Louis N. Rollins, situated at Jones' Wharf in St. Inigoes district, was destroyed by fire on Wednesday night last. The fire is supposed to have been accidental. We understand the same was insured in the Mutual Fire Insurance Company of Baltimore.

ARRESTED FOR BURGLARY.—A colored man named Charles H. Kilgour was arrested and brought before Justice Tucker on Monday last, charged with burglariously entering the store-house of S. C. Thompson and taking therefrom money out of the cash drawer, etc. After a hearing he was committed to jail in default of bail.

THANKS.—We are indebted to Hon. Frederick Watts, Commissioner of Agriculture, for a package of Garden and Flower seeds, of foreign and domestic varieties, for which he will please accept our thanks.

A GOOD HIT.—The New York *Sun* thinks Senator Cameron should submit his dispute with the widow to a high joint commission of fifteen men, seven to be chosen by the widow, seven by the Senator and the odd man by the side which plays the sharper game. The *Sun* thinks if Joe Bradley had the decisive vote, he would argue that the Senator not being a married man is prima facie proof he never intended to be married; that the Senator is on his own declaration, not a fool, and nobody but a fool would think of marrying at his time of life—prima facie evidence again that the widow is a fraud. The commission by a vote of eight to seven, Justice Joe Bradley throwing the decisive vote, would hold that it cannot go back to Simon Cameron's present status of an unmarried man, and on this basis give judgment against the widow, without so much as having read the letters containing definite offers of matrimony.

How HAYES GOT FLORIDA.—The total vote of Florida, exclusive of Bay county, was 24,406 votes for the Hayes electors, and 24,301 votes for the Tilden electors. The returns from the four Bay county precincts gave 238 votes for the Tilden electors, and 143 for the Hayes electors. Add this result, which appeared on the face of the returns from Baker, to the vote of the rest of the State, and the Tilden electors have a majority of 90. It was to do away with this fact that Chandler used the telegraph so vigorously last November, and was authorized by Grant to send "troops and money" to Stearns. The conspirators, by a fraudulent count and certificate, reversed the Baker county returns so as to show a majority of 46 votes for Hayes in the aggregate vote of the State. The investigation of the House committee into this nefarious business reveals many instances of rascality and daring jobs of crime. For example, Andrew A. Allen, Sheriff of Baker county, under oath, told how the precinct returns were dealt with. The following is a portion of the testimony:

Q.—What did you do then? A.—We just made the return, throwing away two precincts in the county. Q.—What two precincts in the county did you throw away? A.—One was Darbyville precinct, and the other was Johnsonville precinct. Q.—Which did you throw away first? A.—The Johnsonville precinct. Q.—And then you threw away the Darbyville precinct? A.—Yes, sir. Q.—Did you have any witnesses at all before you? A.—None at all. Q.—Did you have anything before you except the returns? A.—No, sir. Q.—Why did you throw away the Johnsonville precinct? A.—We believed that there was some intimidation there—that there was one party prevented from voting. Q.—Did you have any evidence before you to that effect? A.—No, sir; there was only his statement. Q.—Did you not have a particle of evidence before you? A.—No, sir. Q.—You believed that one party had been intimidated and prevented from voting? A.—Yes, sir. Q.—And therefore you threw out the Johnsonville precinct? A.—Yes, sir. Q.—Was there any other reason for throwing it out? A.—No, sir. Q.—None whatever? A.—No, sir. Q.—No other reason was suggested but that, was there? A.—No, sir. Q.—You next threw out the Darbyville precinct? A.—Yes, sir. Q.—For what reason did you do so? A.—We believed that there were some illegal votes cast there. Q.—Did you have any evidence before you at all? A.—No, sir. Q.—Not a particle? A.—No, sir. Q.—But you had an impression that some illegal votes were cast there? A.—Yes, sir. Q.—You had no proof of it at all? A.—No, sir. Q.—How many illegal votes did you have an impression were cast there? A.—About seven, I think, as well as can be recalled. Q.—Therefore you threw out the precinct without any evidence at all? A.—Yes, sir. Q.—Then you made up your returns? A.—Yes, sir. Q.—Who wrote those returns? A.—I did. Q.—You wrote them yourself? A.—Yes, sir. Q.—And the Judges signed them? A.—Yes, sir. Q.—Mr. Green signed them also, did he? A.—Yes, sir. Q.—Then you made return to the Secretary of State that you had canvassed the vote. A.—Yes, sir. Q.—And also sent one to the Governor that you had canvassed the vote? A.—Yes, sir. Q.—How long were you in the Clerk's office there, not a great while though; it was quite a short time. Q.—Yes, sir. Q.—Where did you find Mr. Green? A.—He was with us; we all went into the office together. Q.—By Mr. Woodburn—How long before you and the Judge and the Justice of the Peace made the canvass did you ascertain that a count had been made by the clerk and somebody else? A.—I knew the fact, I was present; I knew they were canvassing the votes. Q.—How did you know that one man was intimidated at Johnsonville precinct? A.—Well, we just heard it rumored around at the time. Q.—By Mr. Hopkins—Did you say that you had not the registration list before you on the night you made the canvass? A.—We had not. Q.—Name the seven men who you thought were illegal voters. A.—I cannot recall them. Q.—Did the Judge give their names or did he just tell you that there were seven there that he thought had no right to vote? A.—He then told me that there were seven there that he thought had no right to vote. Q.—Do you know when Green was appointed Justice of the Peace? A.—I do not know. I was appointed about the time of the election, but what date I do not know. Q.—Do you know that he was not appointed until after the election? A.—No, sir. Q.—Did you have anything to do with procuring his appointment? A.—Not a thing; he was appointed before I knew it. Q.—The first time you ever knew him to be a Justice of the Peace was when you got him on the 15th to make the canvass? A.—Yes, sir; that is the first knowledge I had of his being a Justice of the Peace.

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