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TERMS OF THE BEE.
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Weekly Edition.
TERMS—PER YEAR.....$5.
NEW ORLEANS:
SATURDAY MORNING, FEB. 3, 1872.

Amusements This Evening.

OPERA HOUSE—"Martha."
ACADEMY OF MUSIC—At noon—"Lurline." At night—"A Day in Paris" and "The Brigands."
ST. CHARLES THEATRE—At noon—"Fire Fly." At night—"Part of the Petticoats" and "Nan."
VARIETIES THEATRE—At noon—"The Heir at Law." At night—"Rivals."
DAN RICE'S CIRCUS—Tivoli Circle.

THE CHARACTER OF OUR LEGISLATURE.

In testifying before the Congressional Committee now sitting in this city, for the purpose of investigating our late political troubles, Col. Carter, Speaker of the Houses of Representatives of the State, testified that the Legislature of Louisiana, as now composed, did not fairly represent our citizens. We indorse Col. Carter's statement, and until the members of the committee comprehend its force and effect it will be impossible for them to understand our situation or recommend to Congress a remedy for the evils complained of. They liken Louisiana to the sister States of the Union, forgetting the manner in which we were constructed and brought into connection with the Federal Government. They think that Federal interference in our State affairs would be as unlawful as if it were practised towards the State of New York or the State of Illinois. They keep out of sight the fact that Louisiana was brought back into the Union after having been cut of it—by virtue of the acts of Congress known as the Reconstruction acts, and is therefore subject to the paramount power of the Federal Government. They ignore altogether that the present Constitution and Government of Louisiana were the fruit of the Constitution of 1868, which Constitution was framed by delegates chosen, not by the lawful voters of the State freely and voluntarily, but under duress and the pressure of military force. They do not seem to be aware that Governor Warmoth and his army of office-holders were selected, not by the better class of our population, but by a class of persons who are interested in the perpetuation of his government, strangers who are not in any manner identified with us and who do not intend to establish their domicile among us. It is such persons who, for the most part, compose our General Assembly, and our citizens shrink from contamination with them.

The committee appear to think that we have the same means of correcting evils in our State Government that any other State has. And just here it is a great mistak to suppose that we can of ourselves set aside the government of Louisiana, established in pursuance of an act of Congress and by proceedings taken under its authority. The result of the war settled that so far as the conquered States are concerned We base our claim now for assistance from Congress on the ground we have stated. We say that our Legislature is in the aggregate composed by no fault of ours, but as a result of Federal interference, of unprincipled men—strangers for the most part, personally unknown to those called their constituents—prejudiced against and hostile to the stable, resident citizens of the State, corrupt and venal politicians wholly bent on gain and subservient to the views and purposes of an ambitious, audacious and unscrupulous Executive. And it has passed many unconstitutional and impolitic laws, burdening the people with heavy taxes, investing the Governor with extraordinary powers dangerous to the liberties, the peace and welfare of the people, furnishing him with an imperial guard to dominate over the two Houses of the General Assembly and the people, and to protect his person from an apprehended attack by an enraged community; invading and controlling the right of popular representatives; promoting schemes of public plunder for individual profit, and substituting in the stead of a popular representative government for the city of New Orleans, an arbitrary and despotic municipal council to tax the people at their pleasure—a Board appointed by the Executive, and notoriously submissive to his will.

All this has been done by or under the authority of the Federal Congress, and our citizens refuse to offer any forcible resistance thereto. We say therefore that Congress is in duty bound to afford us relief from such a state of things.

FRENCH CLOTHING—Just arrived, and for sale at moderate prices, at No. 172 Canal street.

DELAYS ARE DANGEROUS—Mothers, as you love your offspring, don't fail to use Mrs. Whitcomb's Syrup for soothing children.

THE CONGRESSIONAL INVESTIGATING COMMITTEE.

FIFTH DAY.

The committee met at 10 o'clock A. M. All the members were present.

Mr. Boyce, former Secretary of State, and ejected from office by the Governor, was the first witness heard. He testified that he was elected by the people in 1868, at the same time Mr. Warmoth became Governor of Louisiana, and caused to perform the duties of the office on the 30th of April, 1871, when his Excellency had him driven from his room by brute force. On that day, at three o'clock, he came there to see that everything was right. He found Messrs. Herron, Badger, Captain of Police Edgeworth, and three patrolmen. He knew them all and shook hands with them. As he took his seat at his desk, Mr. Herron handed him a sealed envelope, stating that he had called to take charge of the office. Witness denied the Governor's right to displace him. Mr. Herron, in the meantime, had gone into an adjoining room and brought out the seal of State; he sat at the table. "I endeavored, said the witness, to take possession of it, then I was seized by Mr. Herron, and Captain Edgeworth ordered me to be dragged out. I was taken to the police office, where I remained until released by Mr. Badger, on bond." Mr. Herron made a charge of assault and battery against witness, who has not returned to the office of Secretary of State since his arrest. The case was brought out, through Attorney General Belden, for the recovery of his office, under the "intrusion act," before the Eighth District Court, which was then presided by Judge Emerson, acting during the absence of Mr. Dibble. The case was decided against the petitioner, and an appeal having been taken to the Supreme Court, that tribunal ruled it out on the ground that it had not been taken within the time required by law. Mr. Belden had not counted Sundays in, which the Supreme Court did not.

Q. What was the alleged reason for ordering you out of office?

A. The reason given was that I had promulgated the Crescent City Water Works bill before it had become a law.

Q. Was there a strong opposition to the act?

A. I think there was.

(The witness then gave the history of that bill, with which the community is familiar.) "The Attorney General," said the witness, "gave me his opinion that it was my duty to promulgate the law; I never saw it promulgated. I brought myself a certified copy to the office of the *Republican*. I heard that the editor of that paper had communicated with the Governor, and refused to promulgate it. It was promulgated in the *Picayune Gazette*, which had a right to do so. I think it was also in the *State Journal*." Witness procured a certified copy of the bill because the Governor had not done his duty. The company wished to have it promulgated in order to be able to bring it before the courts, as they expected to be sustained. There was doubt about whether it had remained in the hands of the Governor five days before the adjournment of the Legislature. It was brought to the Governor's house (without notice) and his Excellency being absent it was received by Mrs. Dean.

Q. Who is Mrs. Dean?

A. I do not know.

Q. Is she the mistress of the Governor?

Q. Who is the lady?

A. I do not know. There are rumors to that effect.

Witness does not call that day one of the five days. He called for the opinion of the Attorney General for the sole purpose of his opinion, promulgated the bill.

Q. Was the question whether the bill remained five days in the Governor's hands?

A. Yes, sir.

Q. Was Mrs. Dean in the habit of receiving and receipting bills for the Governor?

A. I cannot say. The Governor was in the habit of keeping bills in his house, especially when absent from Greshy.

Witness believes that a majority of the residents of this city was opposed to the bill. He was entitled to the office of Secretary of State until the next election. Mr. Herron has not made any application for the salary attached to the same. Having been asked to state what he knew about the removal, by the Governor, of District Attorney Robinson, the witness says his Excellency charged that gentleman with having received bribes.

Q. Is there any law in Louisiana against bribery?

A. None that I know, sir.

Q. Was the accused tried?

A. No, sir.

Q. The Governor, then, assumed the powers to eject without trial?

A. Yes.

Witness added that the decision of the Eighth District Court against Mr. Robinson was reversed by the Supreme Court.

Q. Why was your case brought before the Eighth District Court?

A. Because no other tribunal has jurisdiction.

Q. Was it supposed that Dibble would try the case?

A. Yes.

Q. Were you one of the officers, under the laws of the State, who counted the votes?

A. I was one of the counters and compilers.

Q. Do you believe the returns were ever tampered with.

A. Yes, sir. Those of the parish of Ascension, for instance. Two boxes were brought here, were sent back to the parish and again sent back to New Orleans. They decided the contest. The returns of the parish of Richland were thrown out on the ground that the Supervisor had been compelled to leave the parish, it was said, and he himself appointed his successor. No new election was ordered, but the House gave the seat to the Democratic candidate.

Q. Do you know of any election frauds perpetrated when you were Secretary of State?

A. I know of nothing positive about that.

Q. Were the frauds perpetrated in the interest of the Governor and of his friends?

A. As far as I know all of them were.

Q. Did any member of the Legislature tell you he had been offered $1500 as a bribe?

A. Mr. Tureaud, of the Parish of St. James, told me he had been offered a bribe by Mr. Napoleon Underwood, Tax Collector of East Baton Rouge, appointed by Mr. Warmoth, to support the latter's administration. Mr. Kenyon was also approached; so were Mr. Bickham and Mr. B. L. Lynch (anti-Warmoth), but no particulars were given. This was on the third or fourth day following the meeting of the Legislature. When at the Metropolitan Club, on Canal street, the witness frequently heard gentlemen say that the Governor was attempting to bribe members. Mr. Bickham subsequently returned to the House. In the Parish of Iberville case, where there had been a protest, it was decided, as in the Ascension case, that the Board was to be governed by the returns as made by the Supervisors.

Q.—Do you believe that the reasons given by the Governor for your removal were his real ones?

A.—No. In my case, as in that of Mr. Robinson, it was because of our opposition to him.

Q.—Why were you opposed to him?

A.—Because I thought he was a dishonest and injuring both the State and the party.

Q.—Were you opposed to him because he was a bad Governor?

A.—Yes. I think he is a bad Governor. Judging by his acts seemed to indicate that he cared neither for the State nor for the party.

Q.—Was it ever charged that he got his nomination by corrupt means?

A.—Yes.

Witness stated that according to rumor, the Governor was largely interested in the Slaughterhouse bill. He heard that the late Mr. John P. Dean, Clerk of the Supreme Court, and husband of Mrs. Dean, above referred to, and a friend of his Excellency, held 1800 shares in the above company, which, at par, represented $180,000.

Q.—Did you hear that the Governor had bought those shares or received them for what he had done in favor of the company?

A.—In consideration of his services to the company, it was said, also, that the Governor was largely interested in the "Floating Debt bill," which authorized the sale of the bonds at not less than 72 cents on the dollar. The witness had heard that capitalists were willing to give more. The Governor and his friends held portion of the bonds and it was rumored that everything had been arranged before the bill had been signed.

Q. Does the Governor, in your opinion, control the Legislature?

A. I believe that no bill has passed the Legislature when opposed by him.

Q. How does he control it?

A. By the distribution of offices. When that does not succeed, he resorts to bribes.

Q. Do you know that any of the Legislators ever returned themselves elected?

A. I think from fifteen to twenty. I believe the ballot-boxes were stuffed—that is regular tickets were taken out and others put in. I think those Supervisors are not particularly conscientious.

Speaking of the present condition of things in the parish of St. James, where the brother Oliver was an officer by appointment of the Governor, said the general impression in that parish is that those Oliver are guilty of the murder of Messrs. Schomberg and Lawes. The change of venue was ordered by the Legislature by a party vote, the Governor's friends voting in favor of the change. The bill ordering it named the parish in which the accused were to be tried. Referring to facilities offered to voters, the witness said that they existed in St. James, (the one in which he resides) but there are parishes where people have traveled thirty miles to exercise the right. It costs the parish of St. James thirty per cent. to collect the taxes as things are arranged by the Governor's appointees.

Q. What is the remedy to the present evils?

A. A change of administration. I do not believe the bad laws will be repealed by the present Legislature.

Witness stated that two millions and a half of State bonds were issued by the Governor to the Chattanooga Railroad Company without being registered. Mr. Graham told the witness that the Governor had informed him he had issued the bonds, and that's all he. Mr. Graham knows about them. The road has been done on the branch of the road for which the bonds were given. The issue was charged in just before the decision of the Supreme Court in regard to the limitation of the State debt. The Governor knew what that decision would be. Witness thinks his Excellency had previously vetoed the bill known as the "Warehouse Bill," on the ground that the Constitutional limit of the State debt had been reached. He was strongly in favor of the bill granting the three millions in bonds. Witness has heard that the company had attempted to negotiate these bonds. Being brought back to the question of appointment of officers by the Governor, he stated he thinks that Evans who was appointed by his Excellency State Tax Collector for the parish of Tangipahoa, had been convicted of having embezzled the parish funds and was in the Penitentiary. The Governor pardoned and reappointed him. Evans still holds the office.

The testimony of this witness being already too long, we are unable to give even a synopsis of the balance.

[Owing to the temporary absence of the Reporter of the *Bee* between the taking of the testimony of Col. Field and the testimony of Mr. Walton, we have lost out the Hawkworth, which was taken in the interim, cannot be published in this paper until to-morrow.]

A Strange Bank Transaction.

The next subject brought on the tapis was a singular transaction at the Louisiana Savings Bank, of which Mr. Van Ordes is President and Mr. C. S. Walton, Jr., is Paying Teller. In the earlier days of the Legislative embroglio, precise date not recollected, the President of the bank showed to the paying teller a check, drawn by General Andrew S. Herron, for $3500, payable to "bearer," and, after ascertaining that the General had funds to meet the check, the teller certified it as "good." It was subsequently presented (for payment, and by instructions of Mr. Van Ordes, the teller refused to pay it. Call on Gen. Herron had endorsed it. The check was presented by a lady. Mr. Walton knew her face was familiar to him but he did not know her. The check was not presented until several days had elapsed after it had been certified as good. The check was paid at last.

Question to Mr. Walton—Was it not extraordinary to certify a check to be good?

A. It was extraordinary.

Q. Had you ever done anything of the kind before?

A. No sir, never.

Col. A. P. Field having sworn, explained how the check came to be paid. A lady came to advise with him, and spoke about the check. She told him the bank had refused to pay it until it was endorsed by General Herron. He went with her to the bank and told Mr. Walton that it would have to be paid that, under a decision of the Supreme Court, the check being certified the bank was liable. A consultation then had taken place with the officers of the bank, and the result was that the check was paid. Colonel Field declined upon professional grounds to give the name of his client, as he could regard the disclosure as a breach of confidence. He went so far, however, in reply to a question, as to say that she was not the wife of a member of the Legislature. The conversation took place a few days after the Legislature met. The witness could not fix the date.

Governor M. Carter's Evidence.

Mr. Carter, Speaker of the House of Representatives before Mr. Lynch, Darrington and representative from the parish of Sabine, was next examined and was being questioned by the committee when the hour for adjournment arrived. The following is the substance of the material parts of his evidence.

He was a member of the last House of Representatives before Mr. Darrington was elected representative from the parish of Sabine. He was questioned as to the manner in which the Speaker's table was arranged in the repetition of the Speaker's rulings overruled. The changes made were discussed and Mr. Dewees in regard to the manner in which he had acted as Speaker. He had left Mr. Waters in his place, especially when absent from Greshy.

Mr. Dewees was a party voter, as between the supporters of General Carter and his opponents. The object was to deprive them (witness and Dewees) of their seats. Witness made the motion declaring the Speakership vacant and to elect Mr. Waters Speaker at one and the same time and he took but one vote on both questions. Col. Carter was in the chair when witness put the question to the House. There were not more than ten dissenting voices. Mr. Wasde had the floor when witness rose and made the motion and put it to the House. The Speaker had not recognized witness as entitled to the floor. On the contrary the Speaker had ordered the Sergeant-at-Arms to compel witness to be seated. Witness declared his motion carried and moved down the aisle. Told Waters to come on and they would put him in the chair. Yorke took hold of Waters and said "don't go," and Waters did not go. The Speaker during this time left his seat, and, stepping down on the Clerk's platform, "said some buffoonery," that he would not be driven out of the chair—something like that. Witness considered any course justifiable to get rid of such a man as Carter. There was a number of armed men behind him and in his room at the time.

Q. Did you know any of them?

A. Some of them. John Burke, formerly Chief of Police, a notoriously bad character; Sergeant Wynn, of the police, and W. W. McCulloch, a murderer, were there.

Did nothing more that day. Adjourned, with a pledge given by Carter, through Mr. Yorke that he could resign the next morning. Next day the members entering passed through lines of policemen. Did not know whether the police force had been increased or not. Thought it had not. Was not aware of any plan to break the quorum that morning. Witness had not proposed such a plan or asked anybody to break the quorum. Asked one or two members to go down to the Governor's office to get out of the way of arrest by the U. S. Marshal. Seven members were unseated at that meeting. They were all supporters of witness' side. Those admitted in their places were all Carterites.

In regard to the extra session, witness declared that he had no knowledge of the Governor's intention until he read the proclamation in an extra of the *Picayune or Bee*—he was not sure which. He was at no caucus where the measure was determined upon. Nobody had spoken to him about it, nor had he spoken to anybody on the subject until after he had read the proclamation. Did not know whether the Carterites had been notified of the extra session. Did not know if the Speaker himself had been notified. He and every other member had as good a chance of knowing about it as witness had. The members at the extra session were all opponents of Carter, witness believed. Does not know of any intention having existed to conceal the meeting from Carter or his friends. Fifty-five members were at the extra session, among them the seven unseated that morning. Thinks Carter, Schumacher, Stevens and Wilson were expelled at the extra session—the last three for making the affidavit upon which members had been arrested by the U. S. Marshal. Thenceforth Carter was excluded from the House.

The residence of witness has been in De Soto Parish, which he represents since July, 1870. That was the first time he went there. He went from the city. He remained there a week or ten days and returned. He had not a Registrar. Mr. Dewees was a Registrar for DeSoto, but resigned. Witness owns no real estate in DeSoto; never did own any there. Had other property there.

Q.—What kind of property?

A.—An interest in a newspaper. Witness went to DeSoto in the latter part of August or beginning of September, 1871, and remained there until November. Has not been there since. Was editor of the paper in which he had an interest. The paper had a contract with the State for printing the laws; also a contract for the parochial printing. Witness derived no profit from the paper. Established it because he thought a Republican paper was needed there. The paper is not published now. Witness did not buy an interest in the paper until after it was established. The contract with the State was given with Mr. Dewees, the other representative from DeSoto. Such contracts are signed by the Speaker. This contract was signed by witness as Speaker, but it did not necessarily follow that he signed it. Been not remember having signed it. Is a married man. His wife has never been in DeSoto. She lives in the city and has never been in the country. Is a native of Maryland. Was not in either army during the war. Came to this city first and settled in New Orleans. Was a clerk in a store on Canal street first, then an officer in the Customhouse under Mr. Pickering, then Collector. In 1868 was elected to the Legislature and has been a member since. Witness does not recollect how many votes he got when elected in DeSoto, nor how many were cast. Don't know of any candidate having been elected or receiving bribes. Did not suppose any one would tell him if he had been offered or received a bribe. If any one offered him a bribe he would not tell it, because it would hurt his character, and he would not want it exposed to the public. Had had an interest in bills before the Legislature, but had taken stock in corporations after the bills creating them had passed. Had no recollection of having any interest in a bill before its passage. Had stock in the Jefferson City Gas Works. "But I gave my check for it like a man."

Question by Mr. Archer—Was you ever offered anything before a bill passed?

A. Once I was offered money.

Q. What did you say?

A. I said nothing. I had business in the man's office and when I was done I walked out.

Q. Who was he?

A. I don't like to say. He was a federal officer.

Q. What's his name?

A. I don't like to tell. I don't see that it makes any difference.

Q. But it does make a difference. That's what we are down here for.

The witness refused positively to answer the question. Mr. Archer advised him that he would be imprisoned for the refusal. Mr. Schofield differed with Mr. Archer on the subject, holding that the Committee could only report a contempt to the House and it was for the House to inflict punishment, if any was to be inflicted.

Witness did not report the person who offered him the bribe to the Governor. The amount offered was four or five hundred dollars. It was to pass a bill over the Governor's veto. Witness declined to state what bill it was, unless the committee would agree to ask him no other questions on the subject, and the committee did not entertain the proposition. Witness had never heard of any charge against him of raising State warrants from $2000 to $5000. Such warrants had come into his hands by purchase. Bought them through brokers. Could not recollect who the brokers were. Did not know who the vendors were. Mr. Dewees was witness specialized in warrants in partnership. Could not tell how much they or either cleared in a year. Kept no books.

Question by Mr. Archer—Did not you regard it as an indignity when a bribe was offered to you, as you have stated?

A. The man said nothing offensive. He was just talking about the measure.

Q. Well then he insulted you so genteelly that you didn't think it an insult [laughter.]

Witness' income during the year from the Legislature was $4000. He was not engaged in any regular business, speculated in State securities. Did not remember having ever made anything by his office as a legislator except his pay. Does not recollect what he paid for his interest in the paper in De Soto. Voted to expel Carter because he was tyrannical and incompetent, and because it was a disgrace to the State that such a scoundrel should fill so high a position in the Government. Members of the House were very indignant because he had filled his room with armed men. It might be some of the members were armed. It is quite common for people to go armed in New Orleans. [Referring to the day the attempt was made to put Mr. Waters in the Speaker's chair.] Witness had a revolver on his person.

Mr. Speer—Then, Governor, in your theory, you ought to have been expelled?

Here the witness was interrupted for a considerable time in regard to the origin of the split in the Republican party and the election of Senator West. In regard to the latter he declared his entire ignorance of any bargain between Warmouthites and Democrats in the Legislature to confirm for the election of West to the United States Senate. He voted for West, but knew nothing of any intrigue in connection with his election. All the Democrats voted for him. Without regard to his election from De Soto, said that, the Republican Convention in that parish nominated Mr. Dewees and George Washington, a colored man, for the Legislature, but the colored image was also running for Coroner. He could not leave the parish if he were Coroner, and the Parish Committee put witness on the ticket for the House in place of Washington. Mr. Dewees was a member of the Parish Committee. Washington received 32 votes for the House. He came down to contest the election of witness, but failed.

The legislative imbroglio he considered the result of a design to secure the delegation from the State to the Republican National Convention for Grant. To accomplish that it was necessary to have the State Government. Hence the Revolutionary "attempt" to make Carter Governor. The conference between the Federal officers and the Governor, witness understood, in the refusal of the Governor to support Casey for the United States Senatorship and in a question, as to your state she was not the wife of a member of the Legislature. The conference took place a few days after the adjournment of the Legislature. Witness could not fix the date.

Mr. Van Train, the newly elected Deputy from Paris, appeared subsequently and moved the action. He was frequently interrupted. There was much confusion and excitement. There was much cursing and swearing. The charges made by Dewees and Mr. Dewees in regard to the conduct of witness in the Speaker's chair, he had left Mr. Waters in his place, especially when absent from Greshy