NEW ORLEANS DAILY BEE.
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TERMS OF THE BEE.
Terms of subscription—Daily, per annum, in advance, $10; quarterly, $3; quarterly, $3; price of the paper—Single copies, 10 cents. This Daily is published every Tuesday and Saturday morning, in advance.
Rates of Advertising—Standard advertisements, having the run of the paper, and displayed in full type, each square, each insertion, $2 00 per square.
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Weekly Edition.
TERMS—PER YEAR ..... $5.
NEW ORLEANS:
THURSDAY MORNING, JAN. 11, 1872.

Amusements This Evening.

OPERA HOUSE—"Le Chalet" and "Cadi."
ST. CHARLES THEATRE—"Pron Pron."
ACADEMY OF MUSIC—"Zoya."
VARIETIES—"Rip VanWinkle."

THE SITUATION.

The seizure by Gov. Warmoth's police yesterday morning, of the building at No. 17 Royal street, where the House of Representatives under Mr. Carter's Speakership had held its sessions created considerable excitement in this city, and the general opinion was that the difficulty between Gov. Warmoth and his adversaries could be settled in no other way than by President Grant establishing military rule in this parish. Accordingly a number of telegrams were forwarded to Washington by citizens representing the necessity that existed for martial law, but up to a late hour last night the President had not seen fit to direct Gen. Emory to declare it. There is, however, reason to hope that when the President and his advisers come to comprehend the true condition of affairs here that they will feel themselves justified in granting the request that have been so urgently addressed to them. We see no other possible solution of the difficulty than by the interfence of the Federal Government. Martial law is certainly not a desirable form of government, but it is indefinitely better than no law at all, and that in effect is our condition at the present moment. The State House is like an entrenched camp and is defended as if it were besieged. Civil government is in abeyance. The city lies at the mercy of Warmoth and his armed police who occupy the streets interfering with the free movement of the people and compelling them to close their business establishments from fear of a riot. Gov. Warmoth by means of this armed force can cause the arrest of any person obnoxious to himself and can place the person so arrested beyond the reach of judicial process. In other words the city is at the present moment under martial law, substantially, although it has not been formally declared. No one's life or property is safe under these circumstances. Why then should President Grant hesitate to assume through his army officers the government of New Orleans? Its Mayor and Council are powerless to protect the citizens against Warmoth's ruffian police, who arrest and shoot down inoffensive persons without provocation. Gov. Warmoth assumes the powers of a military Commander-in-Chief even over the General Assembly. He has issued a proclamation conched in terms more appropriate to an officer commanding troops that to the Governor of a State addressing members of a co-ordinate department of the Government. His language is, "I do further command all Representatives legally elected to the General Assembly, to return to the discharge of their duties at the State House."

Say when, we should like to know, was it that the Executive of a State was empowered to dictate to the legislative department? The only visible authority in the city of New Orleans is that of the Executive of the State, and his will seems to be the only rule, and a more peremptory autocrat there could hardly be. He recognizes authority to no one. His ambition is unbounded. Is it not time that such a vaulting career should be terminated? Is it not a shame that in a republican country an officer sworn to obey the Constitution and the laws should be suffered to trample rights under his feet that are held sacred even in countries governed under the forms of despotism!

We again appeal to the President of the United States and ask him to come to the relief of our down-trodden people.

We are requested to contradict the statement made in one of the city papers yesterday, that the House of Representatives over which Mr. Carter presides as Speaker, met in the Customhouse, after their expulsion from the Hall, at No. 17 Royal street. Several of the members of the House in the Customhouse as many other citizens did, but not for the purpose of holding sessions.

The New Orleans Rifle Club will give their third subscription ball at the Odd Fellows' Hall, on Thursday evening, January 11. We acknowledge the receipt of cards of invitation by the courtesy of Mr. E. J. Wenck, President.

A WORD OF ADVICE.—Mothers know the importance attached to the care of teething children. They should use Mrs. Whitcomb's Syrup.

The Citizens Appeal to the Mayor.

A committee of citizens yesterday waited upon Mayor Flanders and presented the following petition:

(Copy.)

To the Honorable B. F. Flanders, Mayor of New Orleans:

Whereas, The Metropolitan Police force of this city has been withdrawn from its legitimate duties, armed and used for political purposes in violation of law; and

Whereas, The city is exposed to turmoil, bloodshed, robbery, anarchy, and all the train of crimes which may result from this condition of affairs.—

Therefore, the undersigned citizens of New Orleans, request you, as Chief Magistrate of the city, to issue a call to all good citizens to enroll and tender to you their services as conservators of the public peace, and sign their names at your office at such hours as you may designate.

New Orleans, January 9th, 1872.

E. A. Tyler, R. N. Ogden, P. S. Wilks & Co., Stauffer, Kent & Co., Gould & Stodick, C. E. Girardey & Co., G. DeFerriet, Shepard, Baldwin & Co., Meaker, Knox & Co., R. H. Ogden, T. M. Gaddis, Jos. N. Roberts, R. T. Walshe, C. N. Lemay, H. P. Buckner, Wm. G. Austin, M. D. Jones Zenta, J. Lane, J. H. Winship, E. A. Boismier, Eugene Lasere, J. B. Armenault, F. B. Courad, Lewis A. Chopin, Lovell & Bailey, J. A. DeHart, O. Iler, Sigmund Lesch, Benjamin Moore, E. H. Samory, W. S. Marks, E. Pilsbary, A. Ross, Sensi, M. Marks, John L. Lewis, J. E. Perry, Jos. Bauchenan, F. X. Barbot, F. S. Labauve, Dr. A. Landry, T. L. Mason, Eugene Lacoste, L. E. Perstall, H. C. Castellanos, A. Fabre, G. W. Hyman, Chas. Roman, Jules LaMore, J. E. Austin, T. Gilmore, L. Monrose, L. T. Pisseros, W. F. Howell, John G. Menrose, Cadeton Hugel, Forstmeier & Haber, M. O. Tracy, Taylor, McElroy & Co., King & Mayer, J. G. Lingham, Logan & Mackinon, S. H. Hopkins, Jr., Schulder & Haberbier, C. H. Milleudon, S. N. Moody, R. Scherck, Thos. W. Handy, C. O. Livaudais, an 200 others.

The Mayor pointed out to the committee of citizens the following law, showing that it is impossible for him to comply with their requests:

Section 1 of an act approved March 5th, 1869:

"Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the Mayor of New Orleans be and is hereby prohibited from making any police appointments or exercising any police duty, authority, or control within the limits of the city of New Orleans."

A Card from Speaker Carter.

NEW ORLEANS, Jan. 10, 1872.

To the General Assembly and People of Louisiana:

In order to achieve his purpose of subverting the State Government and of carrying out the same with that unbridled license which has characterized his every proceeding, the Governor of the State has seen fit, through his stipendiaries, to arrign me as a conspirator, to be arrested, alleged to have been committed yesterday on Canal street.

Ready to meet the responsibility of my position and to respond to any call made upon me by the courts of my country, I must say, although trending the presence of court, and willing at any time to place myself to the constituted authorities, I deem it my duty to refrain from so doing, until impartiality and justice shall proclaim that supremacy that fall mob spirit which controlling the Executive and his minions, would trample law and justice under foot, daring to withstand their power, and to adhere to the rights of an organized Legislature.

Members of the House of Representatives of Louisiana! as in the past, so in the future, maintain your dignity by your calmness, and by firmly standing upon the revolutionary and violent plans of the Executive, and you will be enabled to carry your cause to the people.

Very respectfully, Geo. W. Carter, Speaker of the House of Representatives.

Events of Yesterday.

The Police Seize the Gem Building.

The Committee of Fifty-One.

Yesterday morning the citizens of New Orleans were again treated to the spectacle of seeing the Metropolitan Police in operation on a grand scale. During the early morning the police armed, as usual, with their Winchester rifles, had taken possession of the Gem Saloon, and guarded the approaches of the building with about one hundred and fifty men, posted at the corners of Royal and Customhouse and Royal and Canal, and in front of the building. Our reporter arriving on the spot and finding this condition of affairs accosted Superintendent Badger, and inquired of him what he was doing there with his force. He answered that he had received orders from General Longstreet to cause the arrest of a member of the Legislature. That Captain Vankirk had first arrived with a squad of men, and taken possession of the building opposite. Thereafter the other men had seized the building. Our reporter then asked the Superintendent who it was that he wanted to arrest. The answer was that it was upon a warrant from the First District Recorder's Court, but the Superintendent evaded an answer as to who was the person he was instructed to arrest, saying as much as that he did not know, but that Sergeant Vankirk did. He added that the police had not broken into the building opposite, but entered through the rear. That they had neither broken into the offices up stairs, and he called a policeman to substantiate whathe had said.

Our reporter then asked by what authority he held the Gem building, since his mission was only to arrest one man. He answered that he had duce received orders to that effect from General Longstreet. The truth of the whole story is that about four o'clock in the morning the police invaded the Old Merchants' Exchange, formerly the Post-office, and took forcible possession of the building, which is private property and is used as an auctioneers' exchange, besides by private individuals for office purposes. Several of the latter offices, on the first story, were also invaded by the police in order that they might command the Gem Saloon from the windows. The ostensible object was the arrest of Speaker Geo. W. Carter, against whom the warrant in question had been issued, charging him with being an accessory to the alleged murder of Walter Wiley. The police, under command of Vankirk, went to the Gem Saloon to execute the warrant, and in the absence of Superintendent Badger to the reporter of the *Times*: "He was resisted and refused admission by force of arms; he then reported to me, and I took two companies of policemen and came down and took possession of the Merchants' Exchange, and went and demanded admission, which was immediately accorded, and I entered and searched the building, but could not find *the member* we were in search of."

Superintendent Badger added that he found four or five members of the Legislature in the Gem building, who were allowed to depart unmolested.

The proprietor of the Gem Saloon, Mr. Jules Zatzein, makes the following statement:

"I came early this morning to the head of Canal and Royal streets, and found a guard stationed there, who refused to allow me to pass even after I had told them I was the proprietor of the Gem Saloon. I called for Col. Badger, who admitted me within the lines, and told me that if I was going to the Gem Saloon, he would; I told him that I was going to the Gem Saloon, and he then asked me if I had a warrant of arrest against one of its members, and he intended to serve it, and he would give them one if I desired it, or might cause bloodshed. I walked on to my saloon and saw in the Merchant's Exchange up-stairs a number of policemen at the windows. I did as Col. Badger had requested me, and then went to find him; I found him drinking a cup of coffee, and I showed him the passes with me, as he could gain admission without trouble or fear: he accompanied me, but first called a squad of policemen, and we entered the building without trouble, and searched it but found nothing."

During a part of the morning, the statement of Mr. Zatzein, *Senator* to the contrary notwithstanding, citizens were not only prevented from circulating along Royal street, between Royal and Customhouse streets, but the employés of the Salamander Insurance Company, situated at the corner of Customhouse and Royal streets, were also prohibited from entering or leaving the office.

It was not until about noon that the great excitement of the policemen was withdrawn from Royal street, a force of about fifty man, under command of Capt. McCann, being left in charge of the Gem building.

About 11 o'clock our reporter met Mr. Monroe, who had just applied for admission to the Rooms of the House and been refused by the police, notwithstanding he asserted his right as a member of the Legislature.

When the news became known of the seizure of the Gem several members of the Legislature repaired to the Customhouse where they remained for a while and retired.

Presuming upon the rumors in circulation that the House was in session at the Custom-house, our reporter proceeded to that institution about one o'clock in the afternoon and visited every department in the building, but he failed to see a single Representative. Closing his visit by calling on Collector Casey, our reporter asked him if the rumors were true. Col. Casey answered that there could be no session of the House held in the Customhouse under present circumstances.

Our reporter than proceeded to

Visit Mr. I. N. Marks,

at his office on Thomas street, near Poydras. Our business was to ascertain what the Committee of Fifty-one, of which he is President, was doing. Mr. Marks with his usual urbanity received our reporter and stated that all the request of the members of the committee he had called in session at three o'clock, when in all propability the Legislative Committee would recommend what course the Fifty one were to pursue under the circumstances.

Learning that

Mr. Michel Musson

had expressed views regarding the situation, our reporter's next step was towards the office of that highly respectable gentleman on Carondelet street. Mr. Musson expressed a cheerful willingness to give his views, which he stated were in the form of suggestions. These he had written in pencil and given to Mr. Marks for transmission to the committee of Fifty-one. In substance the suggestions were to the effect that the committee, after consultation with General Grant, through General Emory, recommend a general closing of the stores, a grand mass meeting of the people at some central place, and that resolutions be adopted demanding all offices hidden. The committee of Fifty-one or another committee to take charge of the government affairs, and finally to call a Convention of the people for the purpose of re-organization under a more secure and reliable basis. Mr. Musson added that considering the crisis no one could be done under the present aspect of affairs but to return to first principles, the sovereignty of the people.

Returning to Canal street our reporter met Mr. Billings, of the firm of Billings and Pinkham, the Attorneys for the House of Representatives, and inquired of him if Speaker Carter has been arrested or has surrendered as the rumor went. Mr. Billings announced that Speaker Carter had not surrendered, on the advice of his counsel, but was not shrinking from arrest and was willing to meet the accusation brought against him, in malice and for no other purpose but to make political capital in favor of Warmoth. Mr. Billings added that he had been engaged the morning in the First District Court preserving himself to meet the possible arrest of Speaker Carter. We learn that about three o'clock yesterday evening the police were in search of Col. Carter at his residence on Esplanade street, but failed to find him there.

The Committee of Fifty-One.

This committee assembled at their rooms, No. 37 Carondelet street, at three o'clock yesterday afternoon, and adjourned with closed doors for a couple of hours. The following resolutions will show the conclusions they arrived at:

Be it resolved, That the Chairman of the Committee be and is hereby authorized to select a committee of five members of this body, to wait upon Governor Warmouth, and a similar committee to wait on General Emory.

Be it resolved, That these committees be instructed to call the attention of Gov. Warmouth to the disorders and the grave disorders prevailing in the State Government, destructive of the best interest of the citizens and producing in the State and city all the evils resulting from anarchy; and that they do request the Governor to cause the Citizens' Association, as a Committee of Conference, to assemble; after some measures may not be adopted which will put in peaceful operation the State Government and avert the impending necessity for martial law.

Be it resolved, That the Chairman do appoint a committee of five members to wait on General Emory, in accordance with his request, and learn from him his views of the situation.

A true copy from the minutes.

W. G. VAN TRUMP, Secretary.

The resolutions having been unanimously adopted, Mr. Marks announced the following committees:

To wait on General Emory—General R. L. Gibson, J. H. Oglesby, Esq., Judge J. H. Kennard, Moses Green, Clinton and S. H. Kennedy.

To wait on Governor Warmoth—Messrs. J. H. Kennard, John T. Adams and E. H. Pike.

Committee of Conference—General R. L. Gibson, Judge J. H. Lea, and S. H. Kennedy.

Thereupon the Committee of Fifty-One adjourned. When our reporter left the committee it was expectated to wait on General Emory were preparing to go on their mission.

At midnight everything was quiet. The whereabouts of the House of Representatives still remained unknown. The telegraphic wires between this city and Washington are said to have been actively employed by the Custom-House party, who are still confident of success. A report of the session of the House will be found elsewhere.

THE LOUISIANA LEGISLATURE.

Wednesday, Jan. 10, 1872.

THE SENATE.

Sixteen members answered to the roll call yesterday morning, and hence no quorum.

A resolution was offered in memory of Wheyland.

Senator Hunsacker indulged in remarks relating to mob violence, and vaunting his courage. He could not believe that the United States Government would countenance the actions of Ged. W. Carter and the House of Representatives.

Several other Senators employed the opportunity to make speeches, none of which contained anything new.

There is still no quorum of this body.

HOUSE OF REPRESENTATIVES.

The following is the official proceedings of the House of Representatives yesterday:

Pursuant to adjournment the members of the House of Representatives proceeded to their Hall, on Royal street, but being refused admittance by armed policemen, who had forcibly taken possession of the Hall, claiming to act under the authority of H. C. Warmoth, Governor of the State of Louisiana, they then proceeded to another hall.

The roll was called, but a quorum was not present.

On motion of Mr. Gaddis, of New Orleans, the House adjourned until to-morrow morning, at nine o'clock.

J. H. McVEAY, Acting Chief Clerk,
House of Representatives,
State of Louisiana.

CITY INTELLIGENCE.

Mr. McCullough and Messrs. J. and Isidore McCormack, who were arrested by the police, and are charged upon the affidavit of Coroner Creagh with having murdered Mr. Wheyland, were committed to the Parish Prison yesterday morning by Acting Recorder Draper.

The Warmoth House.—Nearly all that was done in this body yesterday related to the death of Mr. Wheyland. The members attended his funeral, which took place at about half-past two o'clock. Before going to the funeral they passed resolutions to unseat Messrs. Schumacher, Kistom, Stevens and Wilson for making the affidavit before U. S. Commissioner Wolfley, upon which the Governor and several members were arrested for violating the Ku-Klux law. Mr. Davidson was very urgent for the expulsion. During the proceedings Mr. Tattinan and Mr. Darby, who had been with the organization at the Gem, entered and took seats. The State House and its approaches continue to be held by Metropolitans armed with rifles.

Significant.—This morning Brown and Stanton, two members of the House, guarded by the police, were seen, by a reliable citizen, coming out of the Louisiana National Bank, with two immense rolls of money. Brown wore a blue overcoat and cape, and placed his funds under his left arm. Stanton's money was wrapped in yellow paper.

On Tuesday, one Young, a member of the House of Representatives, called at the clothing establishment of Mr. Stearns, at the corner of Common and St. Charles streets, to make some purchases and pay for a suit of clothes. He presented in payment a check drawn by Mr. Carter and signed by Gen. F. J. Herron, for one thousand dollars. Mr. Drew, connected with the establishment, cashed the check and returned to Young the change. Young is one of the supporters of Gov. Warmoth. In times like these such occurrences assume extra significance.—*Times of last evening.*

Forged Certificates of Appropriation.—E. A. Populus, a colored clerk in the office of the Administrator of Public Accounts, (Mr. Shaw) has been arrested upon a charge of forging the name of Mr. J. Calhoun, Deputy Administrator of Public Accounts, and Mr. R. Sellers, Warrant Clerk in the Administrator's office, to certificates of appropriation, which are receivable in payment of taxes to the city. The forgeries are so well executed that several of them for various sums, amounting to about two hundred dollars, were received as genuine at the City Treasury in payment of taxes before the fraud was discovered. The issue was traced to Populus, who, upon being charged with the crime, confessed that he was the guilty party, and subsequently brought before Recorder Houghton yesterday, he pleaded guilty. The sum of the forged issues is unknown. He confesses to $300, but forgeries to the amount of $600 have already been discovered. The prisoner, in default of bail, was committed to prison to await proceedings in the First District Court.

Facts in Regard to the Inquest in the Wheyland Case.—The *National Republican* of yesterday has the following statement:

Mr. Henry Tate, of No. 204 Common street, made the following statement to one of our reporters:

I was on my way to my office from my dinner, and when opposite Victor's I saw Mr. Wheyland and another party in Victor's doorway; they were scuffling; Mr. Wheyland stepped about six feet aside and beckoned to the police on the opposite corner; the police answered Mr. Wheyland's signal, but before they came Mr. Wheyland and his opponent were shooting with their fists; they had then got in the middle of the street, and the police surrounded them and a shot was fired soon after the firing Mr. Wheyland was taken towards the State House by the officers, with his vest open and his hand on his side.

Question—Did you recognize the man with whom Mr. Wheyland was scuffling?

Mr. Tate—I did not.

Reporter—Did you see any one with arms in their hands?

Mr. Tate—No one, except the police, who had Winchester rifles.

Reporter—Have you any idea who did the shooting?

Mr. Tate—No. I expect it was done accidentally by the police; and I think an examination of Mr. Wheyland's body will develope the fact that he was shot with a Winchester rifle.

Coroner Creagh is a partizan of the Governor. The manner in which he conducted and closed the inquest is obnoxious to the suspicion of a purpose, right or wrong, to have a verdict which would be available to the Governor for his side. The deceased died between six and seven o'clock in the evening, in the Governor's room in the State House.

The inquest, we are credibly informed, was begun there, and closed at about four o'clock in the morning, in a house opposite the State House, known as the "Governor's Headquarters," where his followers have quartered. The investigation, from first to last, was within the lines held and guarded by Metropolitan Policemen, armed with rifles and pistols, through which no line nor one was allowed to pass unless permitted by the Governor or those acting under his orders. It is the testimony of a citizen of Carrollton, that Creagh, that he has heard the evidence and concluded an inquest on the night a bonfire was committed. It was, previously his invariable practice to have the post mortem made, and the next day commence the taking of testimony, which was continued from week to week, until all was heard that could be had. Here are the names of citizens, besides that of Mr. Tate, who, it has been stated, in this and other papers, are said to have seen the shooting, and who, it is alleged, would have testified, if called upon, that the homicide was committed by a policeman:

P. Duggan, of Baton Rouge; A. Pierce, coal merchant, Baton Rouge; C. E. Mercer, No. 31 Camp street; W. R. Armstrong of West Feliciana; Jake Williams, of Baton Rouge; John Rydall, Eagleset street; Sam Hilton, Erato street, between Liberty and Howard streets; R. Lay Constance street, between Poyfarre and Calliope streets; Capt. Low Greenlee; Capt. Wm. Doherty.

Another departure from the previous practice of the Coroner in the finding of a verdict of murder, by the jury, under his instructions. In no case did he before an inquest, or direct such a verdict, because the law confers no authority to do so upon a Coroner's jury. The jury is simply to find what and who caused death, without undertaking to pronounce the homicide excusable or justifiable manslaughter or murder. It is for a committing magistrate, a grand jury, and lastly, a traverse jury to qualify a homicide, if for it the Coroner or his jurors. Their classification is no effect, but the fact they and the Coroner overstepped their authority and undertook to do what had not been done before, and which disclosed motives directing the inquest for purely partisan objects.

As to the evidence of the policemen on this subject, the public will appreciate it at its proper value.

Mr. Carr testifies that the dying declaration of the deceased was that Mr. McCullough had shot him. Mr. McCullough is the person who was appointed an expert by the Eighth District Court, to investigate the State Warrant business and who had made an affidavit charging that Mr. Carr, when he was Speaker of the House, and Mr. Dewees, when he was Chairman of the Committee on Contingent Expenses, were concerned in uttering forged, fraudulently, and it was at the time this charge was valid before the House of Representatives that Mr. Carr, Mr. Dewees and others attempted to put Col. Carter out of the Speakership by force, and put Mr. Waters in his place.

Again it will be seen in the evidence that the parties under arrest had commissions as Assistants Sergeants-at-Arms from Gov. Carter, Speaker of the House of Representatives, and that they had warrants for the arrest of members who had been brought to the police station. If Wheyland had resisted those who had warrants for his arrest as a member, and if one of them had shot Wheyland when he was so resisting, the homicide would have been excusable or justifiable according to the circumstances, or at most, manslaughter, for they had lawful authority to make the arrest. If that were doubtful, it was not for a Coroner or his jury to decide the question, however much the Governor and his armed police and other supporters might have wanted to see a decision. The jury of the coroner's verdict of murder, if it had the right to pass upon the question, which it might seem to be judicial, the Lieutenant of the Sergeant-at-Arms of the body over which Colonel Carter presides, nor the Assistant Sergeants-at-Arms, can say illegal power. Such being the aim, it was not a judicial inquest. It was a conspiracy, and every one engaged in it was an accessory of the Governor, who directed it, with one of his personal counsel to aid him, in the assumed character of a law officer of the State.

The Inquest in Regard to the Death of Representative Wheyland.—Annexed is the testimony taken by Coroner Creagh in relation to the death of W. R. Wheyland, a member of the House of Representatives, who was shot on Canal street on Tuesday evening. The Coroner did not take the last of the evidence until 4 o'clock yesterday evening:

A. Fleury, resides at No. 228 Ursulines street, being duly sworn, deposes and says—I saw two men take hold of the deceased. Deceased was trying to get away, and they brought him to the street. A third party came up with a revolver and shot the deceased, while in the custody of of the two other men. Does not know the man who fired the pistol. Would know him if he saw him. He is an old man, with gray hair, and wore a gray felt hat. One of the other men was a nice, tall man, with a badge on his coat-lapel. Thinks he would know the men if he should see them again. There was no disturbance on the street prior to the shooting. First thing that attracted my attention was seeing two men having hold of the deceased, dragging him along with them, when the third party came up and shot deceased. The man who fired the shot was a small man, about 5 feet 6 inches high, slim built. Did not see a revolver in anybody's hand, but saw the smoke. After the firing, the two who held deceased let him go, and were arrested immediately, and the third, who fired the shot, tried to get away. The two who had hold of deceased and were arrested had badges on—white badges with black letters. Could not see what the letters were.

Charles F. Huston, who resides in East Feliciana parish, being duly sworn, deposes and says—I dined at Victor's restaurant, about half-past 4 o'clock P. M. During my meal I was informed that it was to my interest and personal safety to get within the limits of the police force on Dryades street. I immediately finished my dinner and started for the aforesaid place, after having mentioned to my friend, the deceased, that he had better take my advice, and do as I was doing, and get within the lines. His reply was, that he was not recognized as a member of the House of Representatives by the so-called House of Representatives at present holding sessions on Royal street, known as the Gem House of Representatives. I told him there were lively times for myself ahead, and to look out, as he was considered one of my friends. After this conversation I left the restaurant and walked round the corner of Burgundy and Canal, and met my friend, Capt. T. H. Jonks. During a private conversation there we came in range of a crowd which called forth considerable feeling, and upon noticing the excitement of my friend I concluded that a promenade on the verandah second floor, would cool both of our ardors, at which time, after arriving on the verandah, we discovered some excitement on the banquette toward Victor's. Upon my looking round, I noticed the deceased, Mr. Dewees, and another gentleman in company with Corporal West, Sumner and Dicey cross over to the lower side of Canal street. I then heard a whipping from over to the entrance of Victor's restaurant. I then saw two men attempt to arrest Mr. Dewees and the deceased, Mr. Dewees went into the restaurant. Corporal West had hold of the man who attempted to arrest Mr. Dewees. As I was about to place my hand on him, he pulled his pistol on me. I knocked up his arm and closed on him. I tried to wrench the pistol from his hand. In the struggle he got hold of it by the barrel. He took me several times on the forehead. The second time took the pistol from him. He then remarked that he was Assistant Sergeant-at-Arms for the House of Representatives. He resisted all he could. We then brought him up the street. While we were struggling a shot fired behind me. I turned around and saw the deceased in the middle of the street place his hand to his side. The pistol now shown me is similar to the one with which I was struck.

Question—Would you know the man who fired the pistol, if you saw him?

Answer—He was a thick set man, with a reddish moustache.

Corporal West, sworn—On the 9th of January, between 5 and 6 P. M. I was on Dryades street, between Common and Canal streets: I was asked by Captain McCann to go with the deceased, Mr. Dewees, and another gentleman across Canal street. When we got near the door of Victor's restaurant I saw three men come along and select the party of the deceased and Dewees. I told the man to let go Mr. Dewees. He said he would arrest him; that he was Sergeant-at-Arms. At the same time he was trying to get a pistol. I caught hold of Dewees and tried to get him away. I succeeded. I then caught hold of the pistol. The man had badges on—white badges with black letters. Could not see what the letters were.

Officer Sullivan came. He clinched in with John McCormack, got his pistol away, who struck Sullivan several times on the forehead. I then got hold of the pistol and wrenched it out of his hand. We then brought him to the station. During the struggle I heard a pistol fired behind me. There were two other men with John McCormack at the time.

Special Officer Pearson, First Precinct Station—On the 9th instant, at 7 P. M., in company with Captain Flannagan and Corporal Hersey, at the police station, heard of John McCormack, Isidore McCormack and Mr. McCullough. Found a commission on each of them as Assistant Sergeants-at-Arms for the House of Representatives, signed by G. W. Carter, of the House of Representatives; also found warrants on each of them for the House of Representatives, one of Mr. Mouton's, Ford, Brown and Belot. Also found blank warrants, signed by Carter, in each of their pockets. Also found a badge pinned on the inside of Isidore McCormack's coat, which read, Assistant Sergeant-at-Arms, House of Representatives. Found a badge of the same kind in the pocket of McCullough.

Mortimer Carr, residence, parish of Red River—On the 9th January, between 5 and 6 P. M., I was sitting in the reception room of the Governor's office, when word came that there was fighting on Canal street. I said it must be a rumor, and I kept my seat. I remained there afterwards till deceased was brought in and stating that he was going to fall I caught him in my arms and assisted him in getting on the sofa in the adjoining room. I then introduced to me (or known as M. McCullough) who touched deceased upon the shoulder, saying he, deceased, was his prisoner. On this I called attention to the fact that there was no Sergeant-at-Arms of that kind, or words to that effect. Upon which the deceased McCullough drew his pistol and fired without any resistance except on the part of the officers in charge of the deceased. They were police officers judging from their uniform. I recognized the name of Capt. McCormack, an employe in the Custom-House was in company with McCullough at the time. Recognized him as having been an officer in a company of colored troops stationed at Port Hudson during 1863. Capt. McCormack was the first in company with some other persons whom I do not know or recognize, as the ones who attempted to arrest deceased. After the attempt to arrest I saw a hold of deceased when McCullough fired the fatal shot. The parties at first arrested Mr. Dewees, but subsequently released him. Deceased was shot while two officers had possession of him. I positively swear that the man introduced to me as McCullough is the man who had the difficulty between any of the parties and deceased at the time of the shooting. Saw no warrant for arrest presented, nor did I notice whether the parties had any to make the arrest were any badge; they were not in uniform. Saw the pistol; it was a small silver mounted affair. I think that the deceased is about 55 years of age, five feet six inches high, slim built, light gray hair, gray moustache, and one eye (thinks the right) seems blemished.

William Mooney, a policeman of the First Precinct, being duly sworn, deposes and says—About half-past 4 o'clock was requested by the Coroner to accompany Mr. Dewees, Mr. Matthews and deceased to Victor's restaurant. On reaching Canal street I saw deceased McCullough, in neutral ground; spoke to Mr. Wheyland, saying let go so go quick. I see there is a crowd here, and whoever Mr. McCormack saw him give a signal. We reached the banquette in front of Victor's restaurant, and there told Special Officer Dumas to follow Mr. McCullough, and the pollicemen came. The old man who shot deceased was running up towards Dauphine street. The old man's wife at the shooting is about 60 years old. If I saw him again I would recognize him. I can recognize one of the men who held deceased. The old man is about one foot from deceased.

Captain McCann, of the Police—Between 5 and 6 o'clock on the 9th was standing on Dryades, between Canal and Common. My attention was attracted by a large crowd running toward the river. I went over to see what was the matter. On reaching the corner of Dryades and Canal street, I saw the deceased and Corporal West and patrolman Sullivan scuffling with two men. I ordered over with a squad of officers to their assistance. When within ten or twelve feet of the deceased, I saw he walked out of a crowd near by, and approached the deceased from behind, and shot him in the back. While he was held by these men, who gave their names as Louis and John McCormack. When the deceased was shot the pistol was about a foot from his person. I then ordered over and arrested the man who shot the deceased. I thought him by the wrist while in the act of cocking the pistol the second time, wrenched the pistol out of his hand. He gave the name as McCullough. He told them he had a right to arrest him, as he was a Sergeant-at-Arms of the House of Representatives, and his orders were to bring them up. The deceased died or alive. The pistol now exhibited was taken from the hands of McCullough, and is a new model second Remington revolver, with one shot out. Would know the man McCullough acknowledge to you that he had shot the deceased?

Corporal—He did, and said that he did it in discharge of his duty, as Sergeant-at-Arms of the House of Representatives.

E. J. Sullivan, policeman—On the 9th, between 5 and 6 o'clock P. M., I was placed on duty outside the guard to take observation. I noticed the deceased, Mr. Dewees, and another gentleman in company with Corporal West, Sumner and Dicey cross over to the lower side of Canal street. I then heard a whipping from over to the entrance of Victor's restaurant. I then saw two men attempt to arrest Mr. Dewees and the deceased, Mr. Dewees went into the restaurant. Corporal West had hold of the man who attempted to arrest Mr. Dewees. As I was about to place my hand on him, he pulled his pistol on me. I knocked up his arm and closed on him. I tried to wrench the pistol from his hand. In the struggle he got hold of it by the barrel. He took me several times on the forehead. The second time took the pistol from him. He then remarked that he was Assistant Sergeant-at-Arms for the House of Representatives. He resisted all he could. We then brought him up the street. While we were struggling a shot fired behind me. I turned around and saw the deceased in the middle of the street place his hand to his side. The pistol now shown me is similar to the one with which I was struck.

Question—Would you know the man who fired the pistol, if you saw him?

Answer—He was a thick set man, with a reddish moustache.

Corporal West, sworn—On the 9th of January, between 5 and 6 P. M. I was on Dryades street, between Common and Canal streets: I was asked by Captain McCann to go with the deceased, Mr. Dewees, and another gentleman across Canal street. When we got near the door of Victor's restaurant I saw three men come along and select the party of the deceased and Dewees. I told the man to let go Mr. Dewees. He said he would arrest him; that he was Sergeant-at-Arms. At the same time he was trying to get a pistol. I caught hold of Dewees and tried to get him away. I succeeded. I then caught hold of the pistol. The man had badges on—white badges with black letters. Could not see what the letters were.

Charles F. Huston, who resides in East Feliciana parish, being duly sworn, deposes and says—I dined at Victor's restaurant, about half-past 4 o'clock P. M. During my meal I was informed that it was to my interest and personal safety to get within the limits of the police force on Dryades street. I immediately finished my dinner and started for the aforesaid place, after having mentioned to my friend, the deceased, that he had better take my advice, and do as I was doing, and get within the lines. His reply was, that he was not recognized as a member of the House of Representatives by the so-called House of Representatives at present holding sessions on Royal street, known as the Gem House of Representatives. I told him there were lively times for myself ahead, and to look out, as he was considered one of my friends. After this conversation I left the restaurant and walked round the corner of Burgundy and Canal, and met my friend, Capt. T. H. Jonks. During a private conversation there we came in range of a crowd which called forth considerable feeling, and upon noticing the excitement of my friend I concluded that a promenade on the verandah second floor, would cool both of our ardors, at which time, after arriving on the verandah, we discovered some excitement on the banquette toward Victor's. Upon my looking round, I noticed the deceased, Mr. Dewees, and another gentleman in company with Corporal West, Sumner and Dicey cross over to the lower side of Canal street. I then heard a whipping from over to the entrance of Victor's restaurant. I then saw two men attempt to arrest Mr. Dewees and the deceased, Mr. Dewees went into the restaurant. Corporal West had hold of the man who attempted to arrest Mr. Dewees. As I was about to place my hand on him, he pulled his pistol on me. I knocked up his arm and closed on him. I tried to wrench the pistol from his hand. In the struggle he got hold of it by the barrel. He took me several times on the forehead. The second time took the pistol from him. He then remarked that he was Assistant Sergeant-at-Arms for the House of Representatives. He resisted all he could. We then brought him up the street. While we were struggling a shot fired behind me. I turned around and saw the deceased in the middle of the street place his hand to his side. The pistol now shown me is similar to the one with which I was struck.

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Question