NEW ORLEANS DAILY BEE.

DUFOUR & LIGHT, Proprietors, No. 72 Chartres street.

TERMS OF THE BEE.

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Weekly Edition.

TERMS—PER YEAR.....$5.

NEW ORLEANS:

TUESDAY MORNING, JAN. 30, 1872.

Amusements This Evening.

OPERA HOUSE—"Romeo and Juliette."

ACADEMY OF MUSIC—"Nymph of the Lurlei-berg, or, The Knight and the Naiads."

VARIETIES THEATRE—"Married Life," and "Fanny Find."

ST. CHARLES THEATRE—"Rainbow."

SAN RICOSI CIRCUS—Camp-square.

THE CONGRESSIONAL COMMITTEE.

Our neighbor, the *Picayune*, seems to be very much concerned about the object which the Committee of Congress now in the city have in view. We are happy to be able to answer the principal query of our cotemporary.

The *Picayune* in its edition of last evening mentions the arrival of the committee and says:

"The chief anxiety manifested appears to be from a desire to ascertain why they came. Is it as a political delegation to inquire into the differences between the wings of the Republican party, or is it a lawful tribunal before which evidence is to be taken and men will be arraigned."

The committee have come to New Orleans to enquire into and probe to the very bottom, the quarrel which exists between the Federal officers in New Orleans and the State Government of Louisiana and while this is satisfactorily, it is necessary to take testimony as to the acts of Governor Warmoth's administration from the very beginning thereof. The numerous swindling operations in which he has been engaged will be investigated by the committee—among others the sale of the State's interest in the Jackson Railroad stock, the Slaughter-house business—the financial transactions of Gov. Warmoth in the Citizens' Bank, his transactions in State warrants and other like matters. The election of J. R. West to the Senate of the United States will be enquired into, and the adversaries of Gov. Warmoth expect to show that Mr. West was never fairly and consequently never legally elected. Then the facts going to show the influence which Gov. Warmoth has exercised over the members of the Legislature and Judicial Departments by means of bribes, and his personal solicitation and dictation of members of the Legislature and the chairmen thereof, will be heard by the committee.

We here record our entire dissent from the views of the *Picayune* thus expressed:

"We cannot concede the right of Congress or a committee of that body to interfere[dd]le in the affairs of the State Government. It is beyond the control and out of the power of the National Legislature. We have a right to regulate these affairs in our own way. If the representatives do wrong or exceed their authority, the bar of public opinion is the proper tribunal before which to arraign them, and the ballot-box the place at which to render the sentence. Congress has nothing to do with it."

The *Picayune* is of course entitled to its own opinion as to the power of Congress to appoint a committee to investigate the affairs of the State, but we must express our astonishment and regret that our cotemporary should thus continue to side with the enemies of the people of Louisiana. The letters of the *Picayune* know as well as we do that there has been no ballot-box in Louisiana worthy of the name since Gov. Warmoth came into power. If there were a ballot box and the voters could, by its means, effect a change of rulers, we should advocate relying upon it rather than ask the intervention of the Federal Government. But as the three departments of our State Government are all controlled and administered by Gov. Warmoth, who obtained his power through, and by virtue of an act of Congress, many of the citizens of Louisiana think that it is the duty of Congress to abolish a government which has inflicted so much injury upon the State and has failed so lamentably in carrying out the provisions of the law through which it was created. Georgia has been twice reconstructed. Why not Louisiana? Is it for Louisianans to question the power of Congress to see to the establishment of a republican government in this State? Does the *Picayune* regard as valid and binding upon Louisiana all the acts of Gov. Warmoth and his co-partners? We cannot believe that a journal with such a record as that of the *Picayune* can intend to offer a shield against the public condemnation of so unfaithful a public servant as H. C. Warmoth.

In our next issue we shall endeavor to show that Gov. Warmoth, even if he had been a choice of the majority of the voters of the State, has made it his daily business to usurp the authority of the other departments of the State Government, and has ended by gathering up into his own hands the entire Government. It is monstrous to say that the Federal authorities who established Gov. Warmoth here and who have protected him through their military force, and enabled him to rob the State and the people of the State, not only of their property but their rights and liberties, cannot intervene and give relief to a people so situated. It is passing strange that those who had nothing to say when a liberal construction of the provisions of the Federal Constitution, led to the inquiry of the Southern people, should now find fault when it is proposed to apply a similar rule of interpretation to an article of the Constitution for the purpose of enabling the people of Louisiana to put down a usurper, a Governor who has brought the State to the verge of bankruptcy, and done his best to crush out every virtuous principle held by her population.

The best constitutional expounders of the United States hold it to be the duty of the Federal Government to guarantee a government of the people to the inhabitants of every State. Since 1868 there has been no such government in Louisiana. Gov. Warmoth has taken particular care to defy contempt the people, and by means of his patronage and money has succeeded in nearly crushing out all republican aspirations.

The Congressional Committee.

The Congressional Committee met yesterday morning, at 11 o'clock. Present—Messrs. Glenie W. Schofield, of Pennsylvania; Geo. W McCrary, of Iowa; H. Bordman Smith, of New York; Stevenson Archer, of Maryland; J. Milton Sayer, of Pennsylvania.

The resolution of Congress appointing the committee was read; after which, the Hon. Geo. W. McCrary submitted the following resolutions:

Resolved, That there be admitted to the sittings of the committee not more than five persons representing each of the several interests concerned in the investigation; also representatives of the press and that any party interested who have present a phonographic reporter, whose report shall be taken for the use of such interested party, but otherwise to be under the control of the committee, and not to be published.

Resolved, That witnesses be examined by the Chairman and members of the committee, and that any person present desiring to put a question to a witness shall do so through a member of the committee.

The only witness examined yesterday was J. Henri Burch, one of the expelled members of the House of Representatives. His testimony related chiefly to the events which have transpired in connection with the contest lately carried on between Gov. Warmoth and the Reform members of the Legislature. The witness detailed the facts relating to the extra session of the House of Representatives, at which one Brewster was elected Chairman, and to the conduct of Gov. Warmoth in indorsing by his presence in the halls of legislation and his personal solicitations the action of the General Assembly. He testified to the want of notice to the members of the House gathering to Carter of the extra session and many other important facts. At the hour of adjournment Mr. Burch had not completed his testimony, and will be heard again to-day.

We regard this investigation as very important. The committee cannot but be convinced that republican government does not exist in this State.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, TUESDAY MORNING, JANUARY 30, 1872. 48th YEAR—Vol. XLV.—Whole—15,581.

Is the Supreme Court of Louisiana a Political Tribunal?

Our cotemporary the New Orleans *Times*, defends the Supreme Court of the State against the acclamation we brought against it in our issue of Friday last, of being subservient to Gov. Warmoth, and deciding cases having a political bearing, in accordance with the wishes of the Executive. The *Times* cites, in support of its position, a late decision of the Supreme Court in the cases of Robinson, a District Attorney, and Edmondson, a Parish Judge, removed by Gov. Warmoth, in which the Court decided that constitutional officers could not be removed except in the manner pointed out by law. But we ask our cotemporary if one correct decision is to wipe out twenty or more incorrect decisions? We do not deny that the Court is rather more Conservative of late, but we are justified by its past conduct in suspecting that some selfish consideration is at the bottom of the change. The Court may have been actuated by the reason that if the Governor were not checked in removing constitutional officers he might try his hand upon themselves. They may have thought that if the Governor were allowed to remove officers as he pleased, he might as well remove Judges as Secretaries of State and District Attorneys.

We repeat our charge that the court has made many decisions for political reasons, and we cite in support thereof, their decision in the case of Diamond vs. Cain, reported in the 21st volume of the Annual Reports, wherein the constitutionality of the Metropolitan Police Act was maintained, and the Mayor and Council of New Orleans were denied the power of organizing or controlling the police officers of the city. Every lawyer knows that if you take away the Executive power of a city government you strip it of that which constitutes government. So the Supreme Court of Michigan has said in a late case reported in the January (1872) number of the *American Law Review*—page 376. People vs. Hurlbut. We make the following extracts from this opinion:

"This was a *quo warranto* against the members of a Board of Water Commissioners for the city of Detroit, appointed by the State Legislature, in which the court held that the Legislature had no constitutional power to appoint to offices of this kind, the duties and authority of which are purely local. The members of the court delivered their separate judgments at length on the 26th of November last. The opinion was drawn up by Cooley, Justice, and was concurred in by Campbell, Chief Justice, and Christiancy, Justice.

The doctrine that within any general grant of legislative power by the constitution there can be found authority thus to take from the people the management of their local concerns and give it, directly or indirectly, of their local officers, if practically asserted, would be somewhat startling to our people, and would be likely to lead hereafter to a more careful scrutiny of the charters of government framed by them, lest sometimes by an inadvertent use of words they might be found to have conferred upon some agency of their own the legal authority to take away their liberties almost at will. The implied restrictions upon the power of the Legislature, as regards local government, though their limits may not be so clearly defined as express provisions might be made them, are nevertheless equally imperative in character, and whenever we find ourselves clearly within them, we have no alternative but to bow to their authority. The question recurs whether our State Constitution can be so construed as to confer upon the Legislature the power to appoint for the municipalities the officers who are to manage this property, their interests and rights in which their own people alone are concerned." The State may mould local institutions according to its views of policy, but of expediency but local government is a matter of absolute right, and the State cannot take it away. It would be the baldest mockery to speak of a grant possessing municipal liberty when the State not only shaped its government, but at discretion sent its own agents to administer justice, to call that system one of constitutional freedom, under which it should be equally admissible for the people full control in their local affairs, or no control at all.

The government of an oligarchy may be just as regardful of private rights and as free from burdensome taxation as any other, but if it were sought to establish such a government in our cities by law, it would hardly do to call upon the people to show where, in the Constitution, the power to establish it was prohibited, or they would be meaning, on the other hand, to point out to them where and by what unguarded words the power had been conferred. Such things are the plain to be written in this chapter of a State government, which we call a constitution, were all there was of constitutional command; if the usages, the customs, the maxims that have sprung from the habits of life, modes of thought, methods of trying facts by the neighborhood, and mutual responsibility in neighborhood interests, the precepts which have come from the revolution which overthrew tyrannies, the sentiments of manly independence and self-control which impelled our ancestors to summon the local committee to redress local evils, instead of relying upon King or Legislature at a distance to furnish a recognition of all these were to be stricken from the body of constitutional law, a lifeless skeleton might remain, but the living spirit; that which gives life and attraction, which makes it valuable and draws to it the affections of the people; that which distinguishes it from the numberless constitutions, so called, which in Europe have been set up and thrown down within the last hundred years, many of which in their expressions have seemed equally fair and to possess equal promise with ours, and have only been wanting in the support and vitality which there alone can thrive—this living and breathing spirit which supplies the interpretation of the words of the written charter would be utterly lost and gone."

Now if the Supreme Court of Michigan lay down the correct doctrine as to local government in America, our Supreme Court is necessarily wrong in upholding the Metropolitan Police act and the new city charter which enables Gov. Warmoth to appoint the Mayor and Council of New Orleans.

But this is not the only political decision of our Supreme Court. The Constitution expressly declares that the District Judges shall be elected by the people, and yet the appointment by Gov. Warmoth of Judge Dibble, of the Eighth District Court, has been sustained by the Supreme Court of Louisiana. In the case of the Commonwealth versus Conyngham, reported in 3d Brewster's Pennsylvania Reports, the Supreme Court of that State held that, where the Judges are elective by the people, it is not in the power of the Legislature to create a new court and have it filled by appointment.

But, again, there are the slave cases, the Confederate obligation cases, the prescription cases, all of which were political in their character. These were decided by our Supreme Court contrary to the opinions and decisions of the Supreme Court of the United States and every State court of any respectability. We cite also the Slaughter-house cases, in 23d Annual, and the case of the State versus Markey, Elder and others, in 21st Annual, both of which were political cases and decided as Gov. Warmoth wished them to be. And there are many more.

Will our cotemporary, the *Times*, now deny the justice of our accusation?

THE VALCOUR AIME PLANTATION.—This large and valuable plantation, which was advertised for sale on January 6th, but which was withdrawn at that time, has been re-advertised for sale on Friday, February 23d, on the premises, in the parish of St. James. The sale is to be made by virtue of an order of court and for the purpose of liquidating the successions of Valcour Aime and Josephine Ronnah, his wife.

The property is in St. James, 75 miles from New Orleans and contains 2978 arpents, of which 1100 are under culture. Besides a fine sugar-house and other equipments for a first-class sugar plantation, there is on the property a large and complete refinery, every part of the machinery of which is in fine running order. Sugar refined on the Valcour Aime place has an established reputation in the markets of the United States. This is probably the finest and most valuable sugar plantation in Louisiana.

See advertisement in another column.

MRS. WINSLOW'S SOOTHING SYRUP FOR CHILDREN.—Mothers, sleepless nights of painful watchings to the poor little sufferer might be avoided by using this invaluable preparation.

Mr. Trumbull's bill, providing that no appeal shall be taken to the Supreme Court in cases involving less than $5000, instead of $2000 as at present, and further regulating the jurisdiction of the court, is approved by the Chief Justice and all the associates. It takes away the power of the court to decide questions of fact, and in criminal cases it authorizes a review of such questions of law arising in charges as can be taken to the Supreme Court of sufficient importance to be certified to the Supreme Court for decision. Some action is necessary for the relief of the court, as it is now over two years behind with its work, and cannot catch up.—*Ex.*

The ex-Secretary of the State of Oregon, Colonel Huntington, has been indicted for embezzling public money to the amount of over $5,000.

THE STATE LEGISLATURE.

Monday, January 29, 1872.

SENATE.

The Senate was called to order at 12 M. Lieut. Gov. Pinchback in the chair.

Twenty-four Senators present.

The chair appointed the following committees:

Metropolitan Police—Swords, Barbee, Campbell, O'Hara, Tenney.

To examine the books and accounts of the State Auditor—Jenks, Ingraham, Lynch.

To examine the books and accounts of the State Treasurer—Twitchell, Harris, Blackman.

The Joint Special Committee on the State debt asked for an expert. Lies over.

Mr. Ragan asked for a suspension of the rules to take up the bill relative to funding the floating debt of the parishes of St. James and Baton Rouge.

Rules suspended and the bill passed.

Mr. Gallup called up the following resolution offered by him:

Whereas, It is currently reported that there is a large amount of outstanding vouchers from the last regular session of the Senate, thereby causing great loss to the State and also to innocent holders: therefore, be it

Resolved, That a committee of three be appointed by the chair to examine, and if found to be correct, indorse across the face of the voucher the signature of the chairman of the committee.

On motion of Mr. Ray the resolution was referred to the Committee on Finance.

Mr. Ray called up the bill relative to the Louisiana Canal and Land Improvement Company. This bill provides for digging canals and draining swamp lands, and for the erection of pumping canals. The bill asks no aid from the State.

A communication from Thos. W. Conway was received, stating that in accordance with law his annual report as Superintendent of Public Education was prepared and placed in the hands of the State Printer on the first day of the month and that the delay in its transmittal was on account of its "being so voluminous as to require more than the usual time to print it." The State Printer informs Mr. Conway that the report cannot be printed until the close of the present week and requests that time be granted until Monday next to present the report to the Senate.

Request granted.

Mr. Anderson, from the Committee on Banks and Banking, reported favorably on bill relative to contributions to be raised by the Citizens' Bank of Louisiana and the resale of property purchased in foreclosure of stock mortgages.

NOTICES OF BILLS.

By Mr. Ingraham—To amend the charter of the city of New Orleans.

RESOLUTIONS.

By Mr. Hunsacker—*Resolved*, That the President of the Senate dismiss all Assistant Sergeants-at-Arms appointed by him and that they be allowed pay for thirty days and no more.

Lies over.

Mr. O'Hara called up the following resolution:

Resolved, That the President of the Senate appoint a committee of five members to examine the books, accounts and general expenses of the Board of Metropolitan Police Commissioners and also into the efficiency of the Metropolitan Police force. Referred to the Committee on Metropolitan Police.

REGULAR ORDER OF THE DAY.

The joint resolution appointing a special committee of the House and Senate to prepare an address to the Congress of the United States, upon the subject of the existing revolutionary crisis in the State of Louisiana, passed its third reading.

The joint resolution relative to the suspension from office of N. A. Robinson, Judge of the Ninth Judicial District, by Executive order, passed its first reading and was tabled subject to call.

BILLS ON SECOND READING.

The bill making special appropriations for the general expenses of the State for the year ending December, 1872, and providing the several funds out of which the warrants are to be paid; also providing for accounting for the contingent funds and for receiving warrants in payment of taxes, was referred to the Committee on Finance.

The bill to apportion the State into Senatorial districts and to fix the number of Representatives to be elected from each, and repealing all laws on the subject, was referred to the Committee on Judiciary.

The bill providing for the organization and maintenance of public schools throughout the State, was read twice, ordered printed and referred to the Committee on Education.

The bill providing for the punishment of bribery was referred to the Committee on Judiciary.

The bill chartering the Monroe, Bastrop and Texarkana Railroad Company was referred to the Committee on Railroads.

The bill abolishing the seminary and free school funds and the redemption of State debt bonds, etc., was referred to the Committee on Judiciary.

The bill establishing an hospital for small-pox and other contagious diseases passed its first reading.

The bill providing for the removal of obstructions in Bayou Bien was referred to the Committee on Canals and Drainage and Finance jointly.

The bill providing for the erection of a lighthouse at the mouth of Bayou Chene, emptying into Lake Pontchartrain, passed.

Mr. Blackman moved to suspend the rules to take up the following resolution:

Whereas, There are two vacancies in the Senate, occasioned by the death of Senators Fish and Semmes, before, be it

Resolved, That the Governor be informed officially by the Secretary of the Senate, and requested to order an election to fill the vacancies, according to law.

The motion was lost by the following vote, which requires a two-third vote to suspend the rules:

Yeas—Anderson, Antoine, Blackman, Bowman, Coupland, Herwig, Ingraham, Lynch, McMillen, Pinchback, Ray, Smith, Sypher, Thomas, Thompson, Wilcox—16.

Nays—Barber, Butler, Campbell, Gallup, Harris, Hunsacker, Jenks, Kelso, Noland, Ragan, Swords, Todd, Twitchell—13.

Mr. Hunsacker moved to adjourn until 12 M. to-morrow.

Carried.

HOUSE OF REPRESENTATIVES.

This body met at 12 M., Mr. Brewster presiding.

The special committee appointed to investigate the five million of bonds issued by the city of New Orleans and the disposition made of the proceeds thereof, submitted a report which was ordered to be printed.

The Chair announced the following Standing Committees:

Railroads—Gabkamp, Belot, Fond, Hempstead, Smith, McCarthy, Buhingham.

Militia—La Saliniere, Kinsella, Murray Young, Washington, Morris, Cochrane.

Ways and Means—Ong, Quinn, Carr, Young, Souer, Tatman, Washington.

Penitentiary—Stamp, Murray, Huston, Bickham, Morphy, Overton, Wm. Harper.

Emigration—Demea, Ellis, Riley, Marie, Opiatez, Antoine, Floyd.

Health and Quarantine—McFarland, Chachere, Butler, Crawford, Brown, Verret, La Saliniere.

Canals and Drainage—McCarthy, Beatty, Sartain, Waters, Fontelieu, Bowen, Raby.

Several bills were introduced, according to previous notice, and referred. Among them was the following:

To create the parish of Evergreen.

To appropriate $6000 to purchase machinery for the Insane Asylum at Jackson.

Relative to Life Insurance Companies.

To regulate the practice of medicine.

To organize a State House commission and provide for the erection of a State House and other public buildings.

A great deal of time was consumed in taking the sense of the House by yeas and nays, upon motions to adjourn and other dilatory proceedings.

Mr. Mahony introduced a resolution instructing the Committee on Elections to enquire into the eligibility of Mr. Worrall, of Jefferson and Mr. D. Cady Stanton, of Bossier, to represent those parishes.

A motion pending to suspend the rules to put the resolution upon its adoption, Mr. Brewster (Mr. Quinn in the chair) opposed the resolution. The members named in it, he urged, had held their seats since last June, from the commencement of the session last year, and it was too late, he said, to raise the question of their eligibility now.

Mr. Mahony asked to withdraw the resolution.

Several members objected to the withdrawal of the resolution, and argued that it could not be withdrawn without the consent of the House.

The Chair ruled that Mr. Mahony could withdraw it, at pleasure, with or without the consent of the House.

Mr. Brewster resumed the chair.

The point was again raised, that the resolution could not be withdrawn without the consent of the House.

Mr. Brewster ruled that the point had already been decided by the member who had just left the chair, and that the question was settled. The resolution was not before the House.

A message was received from the Senate, asking concurrence in a joint resolution recommending to Congress the passage of Mr. Sumner's supplementary Civil Rights bill.

Motion having been made to concur in the resolutions, Mr. Thompson, Mr. Bryan and other members asked what was the resolution to be printed or that they could know what they were voting for.

The majority refused to delay the proceeding a moment, and the yeas and nays were taken and the question was put upon the resolution.

Mr. Davidson, from the Judiciary Committee, reported, with amendments, a special tax in New Orleans for the year 1872. The bill was ordered to be printed and set forth in a preamble the decision of the Supreme Court, that under the Revenue law of 1870 taxes can be imposed in the city of New Orleans, not in accordance with the law of 1855, which, in any one year, shall not exceed twenty per cent., except by a vote of the people, at a special election, and declares that in consequence of this prohibition, it is necessary to levy a special tax in New Orleans for the year 1872, and declares that in consequence of said