NEW ORLEANS DAILY BEE,

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TERMS OF THE BEE.

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TERMS—PER YEAR.....$5.

NEW ORLEANS:
WEDNESDAY MORNING, FEB. 7, 1872.

Amusements This Evening.

VARIETIES THEATRE—Minuets and sight. "Enoch Arden." Mr. Edwin Adams.
ST. CHARLES THEATRE—"Beauty and the Beast," and "Andy Blake."
ACADEMY OF MUSIC—Lydia Thompson troupe.
DAN RICE'S CIRCUS—Tivoli Circle.

Governor Warmoth as A Man of Truth.

Gov. Warmoth has been on the witness-stand for two days before the Congressional Committee in the United States Court Room, and has gone through a very severe ordeal with considerable damage to himself both as an officer sworn to obey the laws and as a political party leader. We shall not say he has damaged his character as a man of truth because those who know him best say that he has none to lose. Those who listened to the Governor as he delivered his testimony, tell us that he exhibited much uneasiness while under the cross-examination of Messrs. Smith and Speer, who held on to him with bull-dog tenacity. If this be so, it is the first time the Governor has ever writhed under the lash. Our information is that he followed the example of his accomplices Carr, Campbell and Dibble, and gave false answers to many questions. These we shall point out hereafter as they occur to us.

His policy of defense, in a political point of view, was what we stated in a previous article, viz: that his adversaries had been guilty of the same offences that he had been charged with. He had been accused of conspiring with the Democracy. The Custom-house Republicans, Warmoth said, had been guilty of doing the same thing. He had been accused of bribery and corruption; of enriching himself at the expense of the people by illegitimate methods and without holding himself out to be "a saint," he proposed to show that his accusers were not the "Reformers" they professed to be, and so on. On this score we think Warmoth and the Custom-house men are about even. We mean with regard to the accusations each makes against the other. We do not say on which side the evidence preponderates, as the trial is not yet over. We propose on this occasion to review a portion of Gov. Warmoth's testimony, in which he made an admission as to the existence of a certain evil in the administration of the State government, of which loud complaints had been made by the people of Louisiana, and we desire no better evidence of the substantial truth of one of the grave charges brought against the Governor than the admission alluded to.

The Governor admitted that the appointing power of the State Executive was altogether too extensive—that in the hands of a "wicked man" the patronage of the Governor might be used to the great injury of the people of the State. He did not say *he had* so used this power, only that it *might* be so used. He admitted that the powers granted to the Governor by the Registration and Election laws made him an absolute dictator if he so pleased, because by the exercise of the patronage conferred upon him in those statutes he could cause an election by the people to result as he wished it to be. Now is not this one of the principal accusations we have brought against Gov. Warmoth? He was a party to the placing in these laws on the Statute book. It is safe to say that he asked his associates in the Legislature to enact them, and we know that he has administered them in his own interest and to perpetuate his own power. We aver that Gov. Warmoth has administered those laws precisely as a "wicked man" would use them and to the injury of the people. We need not cite the general character of those who have been appointed to office by him because it is well known nor is it necessary to recall the facts connected with the last general election. Our readers know already that the result of the election was decided beforehand, and that though the voters could do could have changed it. Registrars were sent from New Orleans by the Governor to the country parishes in many instances, and the Commissioners of Election all over the State were likewise appointed by him or his friends.

The next admission of the Governor upon which we wish to make a comment is this, viz: that he had speculated in the public securities of the State while he had it in his power to depress them, and then when he and his friends had made their investment, to elevate their value. Gov. Warmoth avowed that he had deposited on his own account seventy-eight thousand dollars in the Citizens' Bank in the shape of warrants or certificates of indebtedness of the State so as to be in advance of other holders in receiving bonds of the State in exchange, authorized by the Funding act of the Legislature. The Governor thought it quite permissable for him to speculate in State securities under these circumstances and to take any advantage of private citizens holding warrants or certificates of indebtedness which his position as Governor and a funding commissioner under the law might give to him. It is useless to argue with such a man, or to do anything more than state the facts. Our notions as to the conduct of public officers are out of date. If the impropriety of these acts of the Governor be not apparent, no words of ours could make it clearer.

Again: the Governor admitted there was no other law which empowered him to suspend a Constitutional officer of the State than the general power invested in the Executive to see that the laws were faithfully executed. The Supreme Court of the State, the Judges of which were all appointed by him, have decided in the case of Robinson and Edmonston, suspended from office by "Executive order," that the Governor had no such power. Yet Gov. Warmoth insists that he had only done his duty in suspending Mr. Bovee, the Secretary of State. Can we not say that our accusation that the Governor had violated his oath is substantiated by his own admission? We know of no proceeding of the House of Representatives to impeach Mr. Bovee, and should the session of the General Assembly expire without an impeachment of that officer, he must, according to the Governor's own opinion, be restored.

Again: Governor Warmoth alleged yesterday, before the Committee, that the Mechanics' Institute was the building designated by law as the State House. There is no such law, and the Governor knows it. How shall we characterize this averment? Can it be sustained or defended? We forbear from using stronger language.

Lastly: Governor Warmoth confessed he had approved an act of the Legislature raising the salaries of the Judges of the Supreme Court to $10,000 for the Chief Justice, and $9,500 for each Associate Justice, when the Constitution of the State had fixed these salaries at $7,500 for the Chief Justice, and $7250 for each Associate Justice. He defended it on the ground that the Constitution did not "prohibit" the increase. Then confessing to this reasoning, if the Legislature had raised them to one hundred thousand dollars per annum, or any higher sum, it had a right to do so because the Constitution did not expressly "prohibit" an increase. The dishonesty of this argument of the Governor will be seen by merely reading the language of the Constitution, fixing the remuneration of these judges.

"Art. 75. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of seven thousand five hundred dollars, and each of the Associate Justices shall receive seven thousand dollars, annually, payable on their own warrants. The Chief Justice and the Associate Justices shall be appointed by the Governor with the advice and consent of the Senate, for the term of eight years. They shall be citizens of the United States, and shall have practised law for five years, the last five thereof next preceding their respective appointments to the bench. The Court shall have its seat in the State Capital, and not more than two Judges shall sit in banc at one time."

It will be observed that each sentence or division of this article of the Constitution is couched in imperative language. "The Supreme Court SHALL be composed of one Chief Justice and four Associate Justices." "The Chief Justice SHALL receive, etc." "The Chief Justice and Associate Justices SHALL be appointed, etc." "They SHALL be citizens of the United States, etc." Now if the Legislature can contravene one part of the article, they can another. The Legislature may therefore by a statute increase the number of judges as well as their salaries, may take from the Governor the power of appointing the judges, may declare that persons who have practiced law in the State for one year shall be eligible for the Supreme Bench and so on because there is no prohibition in the Legislature. Does Gov. Warmoth believe that the Legislature can do these things? He does not, and therefore he made a willful misstatement to the committee.

We might go on to comment upon other parts of the Governor's testimony but have said enough for the present.

OPERA HOUSE.—On Thursday, Feb. 8, the accomplished and popular manager of the Opera House, Mr. Calabresi, will take his benefit, on which occasion the "Jewess," by Halevy, will be performed, Mesdames Lavielli and Durand, and Messrs. Debrabrauche, Coulon, Jourdan and Solvi in the leading parts.

We acknowledge receipt of the report of the Sub-Committees of Investigation of the Departments of the City government, appointed under the authority of the Citizens' Committee of Fifty-one, but must defer any lengthened review of it until our columns are less crowded.

GUNS AND FISHING TACKLE.—Mr. F. Charleville, of No. 55 St. Charles street, invites the attention of our readers to his establishment, by advertisement in another column. He has in his stock guns and fishing tackle from the best manufacturers in the United States and in Europe. Every description of guns, rifles, pistols, and the material necessary to fit them for use. He also receives orders for the manufacture of the most celebrated makers, and will repair all kinds of arms. This is one of the most complete establishments of fire-arms in the city.

AVERT THE EVIL.—If mothers would give Mrs. Whitcomb's Syrup to their children when sick, mortality would be less among them. It costs only twenty-five cents.

THE CONGRESSIONAL INVESTIGATING COMMITTEE.

EIGHTH DAY.

The Committee met at 10 A. M., all the members present.

The Governor was before the Committee the whole day until nearly five o'clock. From this protracted examination the following condensed excerpts are taken:

The cause of his army troubles was a too free expression of his opinion that General Sheridan made a mistake in assaulting the works at Vicksburg, on the 22d May. Col. Bowers, a member of the General's staff, heard his criticism and preferred charges against him. Was a Democrat, but became a Republican when the war broke out. The dollar subscribed by colored men for whom they voted to send him as a delegate from this unreconstructed State to Congress, was not paid for the privilege of voting. Electioneered on the floor of the Senate for Pinchback's election to the Presidency and Lieutenant-Governorship.

"When did you become a reformer?" Witness did not wish to be called a reformer. It implied that his administration had been a failure. His income in favor of the modification of certain laws, but he was not what is called a reformer.

As to getting Senator Thomas to the city and to attend the Senate to make a quorum, he sent Colonel Jack Wharton, the Senator's friend, to him at Opelousas, on the Jackson Railroad, and the Colonel was the bearer of a letter from witness to the Senator. The letter assured the Senator that his views and witness' were in regard to the modification of laws coincided. When the Senator took his seat the bills were drawn up and passed. Witness has not signed them. They have not been sent to him. He has not endeavored to have the bills sent to the Statute book. That is over which he has no control. The bills are delayed because Senators Kellogg and Blackman had argued that there was not a quorum present when they were passed. Witness was inclined to coincide in the opinion. Did not procure the issue of an extra Picayune announcing that the bills had passed and would be signed immediately by him. Does not know who was issued is the height of the popular excitement which existed during the legislative session.

Thinks the Supervisors of Elections and Registration ought to be elected by the people of the several parishes.

Being asked who was influential in carrying the Slaughter House bill, answered: Mr. Weed, of the *New Orleans Times*; Mr. Pratt, son of Governor Pratt, and others. Does not know what number of shares John Dean had in the corporation. Witness had only one cent of interest in the Slaughter House Company. Shares were not for him.

On the 28th February, 1871, voted the Warmoth loan bill, because it would increase the debt of the State beyond the constitutional limit.

Did you not let several bills after that become laws without your signature, those bills increasing the debt of the State? In relation to bills of that nature, witness directed the Auditor to issue no warrants under them until forced to do so by the courts. Did not regard it as constitutionally obligatory on him to veto those bills, as witness could prevent them from becoming effective. Suits in those cases would have to be entered for examination in the Eighth District Court, Judge Dibble, who is witness' appointee.

Q.—You believed the bills were unconstitutional?

A.—Yes.

Q.—Then you threw the responsibility on the Auditor?

If the Auditor had not resisted, witness would have enjoined him against issuing warrants. Witness signed a bill in which Mr. Sypher was interested, knowing that it violated the constitutional limitation of the debt. Witness, when consenting to sign the bill, told Mr. Sypher that its constitutionality would have to be tested in the courts.

Witness said the interest bearing debt of the State has only been increased seven millions since he became Governor. Besides the last guaranteeing the bonds of the Chatsanooga Railroad Company for $12,500 a mile, witness had approved an act authorizing the issue of $5,500,000 of the bonds of the State to the corporation. Witness had issued these bonds although no part of the road is completed. The rest, about 150 miles, witness said, is being constructed and will be finished within a year.

Mr. Speer had witness' letter of the fall authorizing Weil to sue the State for his claim of $140,000 read. The date of election was in the same year that the debt was contracted in the interest of the "rebellion." The certificate of indebtedness issued by Auditor Pardee was exchanged for bonds by the Commissioners for liquidating the floating debt of the State, had been signed before the bill was vetoed. Witness declared that the certificates were recognized and liquidated by the Commissioners, in his absence, without his knowledge and without his consent. The commissioners consisted of witness himself, Mr. Gaines, President of the Citizens' Bank, and Mr. Graham, State Auditor. It was agreed that all certificates of indebtedness approved by the Auditor should be receivable as part of the floating debt, and witness knows that the Auditor approved Weil's certificate. Witness has made no personal against the payment of the claim. Believes the payment would have been enforced by the courts. The claim was lead by Senator Anderson when it was legislated by the Board. Does not know whether the Senator bought the claim for twenty cents on the dollar or not.

Q.—The bill you vetoed, was a bill authorizing Weil to sue the State. Why did you not let him sue?

Witness viewed the bill becoming as a special thing all such suits were decided against the State. The fact that the State constitution that the claim was made by would be approved by the Auditor every claim would be approved by the Auditor.

Mr. Speer—But the Auditor had issued the certificate of indebtedness?

A.—That was the Democratic Auditor, not a specimen of the Republican Auditor. The only difference between Auditor Gaines and witness and the Auditor Pardee, that witness and Mr. G. thought the certificates of indebtedness ought to be considered part of the floating debt of the State, and Pardee was of a different opinion. Witness himself had been interested in the Weil claim. Does not know that the Legislature refused to vote to authorize the claim for it was passed by the Board of Liquidation (Democratic) of its own free will, though signed by the friends of Governor Wells in the Legislature.

Witness had signed the funding bill before the Speaker of the House signed it. Was quite a common occurrence for the Governor and Lieutenant-Governor to sign and sign bills after witness had passed them. The signature of the Lieutenant-Governor was not necessary to give validity to a law. Witness knew that the bill was pending, told several friends that he would sign it. Signed it because he considered it his duty to do so. Did not consider that their warrants in his opinion could