The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, TUESDAY MORNING, JANUARY 23, 1872. 45th YEAR—Vol. XLV.—Whole—16,575.

NEW ORLEANS DAILY BEE.

DUFOUR & LIMET, PUBLISHERS.
No. 73 Chartres street.

TERMS OF THE BEE.

Terms of Subscription—Daily, per annum, in advance, $10; half-yearly, $6; quarterly, $3. Price of the paper—single copies, 10 cents. The Semi-Weekly is published every Tuesday and Saturday. Subscription, $8 per annum, invariably in advance.

Rates of Advertising—Transient advertisements having the run of the paper, first insertion, $1 50 per square; each subsequent insertion, 75 cents per square.

First or Editorial Page, transient advertisements, each insertion, $2 50 per square.

Advertisements inserted at intervals to be charged as new, each insertion.

First, or Editorial Page, monthly advertisements, each square, $50 net per month.

Regular advertisers, who advertise largely, shall be allowed such discount from this above named minimum rates as may be agreed upon; in no case shall such discount exceed 33 per cent.

All Business Notices of Advertisements to be charged 10 cents net per line, each insertion.

All transient advertisements must be paid for in advance.

All advertisements not marked for any number of insertions will be published six times.

All bills with regular advertisers shall be rendered monthly.

Weekly Edition.

TERMS—PER YEAR ..... $5.

NEW ORLEANS:

TUESDAY MORNING, JAN. 23, 1872.

Amusements This Evening.

OPERA HOUSE—"Faust."
ST. CHARLES THEATRE—"Little Nell," and "The Marchioness."
ACADEMY OF MUSIC—Engagement of Lydia Thompson Troupe.
VARIETIES THEATRE—"Saratoga, or Life at the Springs."

THE END OF THE STRUGGLE.

The return of the Senators of the opposition to the Mechanics' Institute, on Saturday last, was regarded by most persons as a surrender to Warmoth, and it should have ended the struggle. The Representatives of the opposition should also have returned to their seats in the House, there being no object to be gained in keeping up a separate organization after the Senators had surrendered. And to disembarrass them, perhaps, Mr. Carter should have released them from their pledge to him or formally resigned the office of Speaker. It ought to be stated that the address to the people made by Mr. Carter in the journals of Sunday, calling upon them to assemble on Monday morning, armed and equipped, for the purpose of taking the State House, was his own act and was taken without the knowledge of his associates, either those of his own party or those of the Democracy.

We hold it to have been a most unwise proceeding and the address itself most imprudently worded. If he had intended to play into Warmoth's hands, he could not have done it more effectually than by threatening an attack upon the State House. Warmoth made immediate and effective use of it at Washington. It was impossible for President Grant to refuse Gov. Warmoth the aid of Gen. Emory's troops, as the General Assembly had been reconstituted on Saturday by the return to the State House of the Senators who had been acting with Governor Grant. It may be presumed, he accepts the responsibility of what must have seemed to him to be a threat to excite a riot. We do not justify the vacillating conduct of President Grant, but it was our own fault to trust to him. We might have known that the Republican leaders at Washington would not allow him to be indifferent to a movement like that in which the Democrats and Carter men have been engaged, especially when it came to blows. Gov. Warmoth's strength at Washington was evidently underrated by Carter and his followers.

The Vote in the Senate Last Saturday.

As some dispute has arisen as to the votes of Senators Anderson, Lewis and Thomas, in the Senate on Saturday last on the question of ratifying the action of the extra session of that body in December last in electing Senator Pinchback as President of the Senate, we have re-examined the minutes of the Secretary and find that the Senators named all voted with the anti-Warmoth men on the first vote—that is—on the resolution of Senator Harris to ratify and confirm the action of said extra session, which was voted down by a majority of one.

On the second vote which was taken on the motion of Senator Anderson to strike out the preamble of the resolution introduced by Senator Blackman declaring the extra session as having been illegal, Senator Anderson voted "yea," Senators Thomas and Lewis voted "nay," and the preamble was stricken out by a majority of one. Senator Blackman's resolution then stood thus: "Wherefore move that the Senate do now proceed to the election of a President of the Senate to fill the vacancy occasioned by the death of Lieut. Gov. Dunn."

On the third vote which was taken on the motion of Senator Anderson who offered as a substitute for the resolution of Senator Blackman the following:

"That the Senate do not proceed to the election of Lieutenant Governor and President of the Senate," Senators Anderson and Thomas voted for the substitute and Senator Lewis voted against it. It was therefore lost by a majority of one, who was Senator Lewis. It was on this vote that Senator Lewis left his colleagues of the Carter party. The Senate therefore refused to go into the election of a President.

On the fourth vote, which was the last and the decisive one, the Senate resolved, by a majority of one, to declare "that the extra session of the Senate of December 6, 1871, was constitutional and valid." Senator Anderson voted "yea"; Senators Thomas and Lewis "nay."

The fault of Senator Thomas was not in his votes, which, as he states in his card published in the *Times* yesterday, were given against Pinchback, but in his abandoning his Democratic colleagues after giving a pledge to act with them, and going into the Senate to make a quorum for Warmoth. The fault of Senator Anderson was in voting to ratify the extra session of December and the election of Pinchback as President of the Senate. And the fault of Senator Lewis was in voting with the friends of Gov. Warmoth against the resolution to elect a President of the Senate, after his pledge to his colleagues of the Carter party to act with them.

Governor Warmoth owes his victory to these three Senators—Anderson, Lewis and Thomas. It is evident that the Carter Senators were entrapped by the action of Senator Thomas and that Governor Warmoth had a perfect understanding with these three Senators before the votes of Saturday were given. The return of the Carter Senators to the Mechanics' Institute enabled Governor Warmoth to telegraph to Washington that the two Houses had working majorities, and that the Legislature had been reconstituted. President Grant was compelled to recognize the fact and to recede from the position of neutrality he had taken as between the Warmoth and Carter Houses. We think also that Mr. Carter's inflammatory and ill-advised address, which appeared in the papers of Sunday had much to do in changing the mind of President Grant.

We see no reason to recall our assertion of Sunday morning that the victory of Gov. Warmoth of the previous day was due to the treachery of two Senators pledged to Carter and the co-operation of another Senator who, although he represents a Democratic constituency, thinks proper to support Governor Warmoth. The card of Senator Thomas in Monday's *Times* does not attempt to deny that he had violated his pledges, but dodges the issue we had made with him. We did not censure him for his votes, but for abandoning us and going over to the enemy.

HOME MUTUAL INSURANCE CO.—In our advertising columns to-day will be found the twentieth annual statement of the condition of this company for the year ending December 30, 1871, which shows the following result:

Net earned premiums	$206,997 28
Losses and expenses paid	153,304 29
Profit	$ 53,613 19
Assets	$668,997 74

The Board of Trustees, at a meeting held January 19, unanimously resolved to pay six percent. interest on all outstanding certificates of profits on and after the 11th day of February. Mr. Alfred Moulton is the President of this company, and Mr. A. W. Hunter the Secretary.

CHAPPAT'S AND BEAT.—Mrs. Whitcomb's SYRUP for children is sold by druggists for 25 cents a bottle, and is an admirable preparation for infantile disorders.

The closing words of the annexed sentence, uttered by a retired governess, gives us the fruitful source of family alienation, of heartaches innumerable, of sad losses and gloomy home stories:

"I am one of those whose lot in life has been to get out into an unfriendly world at an early age; and of nearly twenty families in which I made my home in the course of thirty years, there were only three that could be called happy family families. The source of trouble was not so much the lack of love as the lack of sense to manifest it."

The Carter Operations Yesterday.

The proclamation of Colonel Carter, which was published in the papers of Sunday morning, declaring his purpose to swear a sufficient number of Sergeants-at-Arms to aid him in forcing the way to the Chamber of the House of Representatives and inviting the people to aid him, had the effect of producing an armed organization, supposed to have consisted of several hundred citizens, to execute the project. The force at the Mechanics' Institute was largely increased to meet the anticipated emergency. On Saturday night an order was received from General Longstreet, as Adjutant General of the State, at the armory of the Louisiana Legion, on St. Ann street, dismissing the guard of the Legion which was on duty, to prevent the battery of artillery from being taken, should a disturbance occur, and the guard having been dismissed the police took the guns out and hauled them to the Mechanics' Institute. Nearly the whole police force, estimated at seven or eight hundred men, with a handfull of block and rifle pikes, were at the Institute, all armed with breach-loading rifles.

During Sunday night a party, in the Carter interest, crossed from the city in skiffs to Algiers, and proceeded to the arsenal of Company C of the Fifth Battalion of Militia, Captain Lorio, and there being no guard on the building, the racks, containing from sixty to eighty rifles, were emptied and the weapons were brought to the city. At the arsenal of the Legion, on Carondelet street, no seizure was made, perhaps because a guard was on duty with one of the pieces loaded with cannister commanding the entrance.

An hour before the time announced by Colonel Carter, half-past eleven o'clock yesterday morning, for the attempt to force an entrance, if force was unavoidable, to the State House, there was a great number of people on Canal street, several thousand. With very few exceptions public sympathy among both races was on the side of Colonel Carter, and had a shot been fired there is scarcely a doubt that the mass of the male population of the city would have participated in the movement against Warmoth. That was manifestly the prevalent feeling, but the attitude of the general government was regarded with suspicion. While the order given to General Emory last week to retire his troops from the city and not to bring them back, unless invited to do so from Washington, was pointed to as an indication that General Grant would not meddle in the contest between the people and the Carter men, the fact that Gen. Longstreet, a revenue officer appointed by the President and subject to removal by him, had been conducting Warmoth's guneralissimo, personally commanding and directing the Governor's forces, was considered very significant and led thoughtful people to question the sincerity of the Federal administration.

As the lunch party approached for the issue to be made, the Sergeants-at-Arms appeared on the streets near Canal street, some of them in military array, about two hundred perhaps, with their guns and cartridge boxes. It was understood that there were hundreds of others prepared to move at a moment's notice, some with shot guns, but most armed with revolvers.

At the State House, the police had, as previously, possession of the whole square of Dauphine street, between Canal and Common. A strong line was across Bienville street, at each end of the square, extending about fifty or sixty yards, in line. The Mechanics' Institute itself was occupied in such a way as to command the street. So were the private houses opposite, the Medical College on Common street and the private building at the southeast corner of Canal and Dauphine streets, the gallery of which was at times filled with police stationed there to fire on the people on Canal street. The police appeared to be more confident on this occasion than they did on Saturday week, when the people were ready to make short work of them, and would have done it but for General Emory's interference. As the morning passed and noon came, the intelligence from Washington emboldened them and they became insolent. Their mounted men appeared and drove the people back to the north side of Canal. Before the metropolitan early came, the writer was one of many citizens who saw one of the police seize a peaceful old man to shove him off the sidewalk in the most ruffianly manner.

At a quarter after 11, Col. Carter addressed a crowd at the City Station, and announced that he was compelled to abandon the attempt he had designed, in consequence of the interposition of the Federal authorities. The people to whom he spoke, and some of the armed men in the immediate vicinity, were for capturing the State House before the Federal troops could arrive, but Colonel Carter said he would not countenance the proposition. Stepping down from the platform, he gave instructions to the Sergeants-at-Arms, and they were marched off the streets. Immediately after an artillery officer of the United States force appeared upon Royal and some of the adjacent streets, riding about, apparently to make a reconnoissance, and he remained in the vicinity half or three quarters of an hour.

HEADQUARTERS DEPARTMENT OF THE GULF, JAN. 22, 1872.

To the Hon. W. Carter:

Sir—The following dispatch has just been received from Washington, and I therefore feel it my duty to furnish the contents to all parties concerned.

W. H. EMORY, Brev. Maj. Gen'l.

Enclosure.

WASHINGTON, Jan. 22, 1872.

Col. W. H. Emory, commanding Department of the Gulf:

The President directs that you hold your troops in readiness to suppress any conflict of armed bodies of men, should such occur, and to guard the public property from pillage and destruction.

Keep the Department informed of your action in the matter. By order of the Secretary of War. E. D. Townsend, Adjutant General.

Meantime the troops at the Barracks, consisting of a battalion or regiment of infantry and a battery of two Gatling guns, were moved into the city and held in readiness for action. The fact soon spread among the people, and at half-past twelve the Senate, and Mechanics' House had been closed in anticipation of hostilities, were all open again, everybody who had anything to do had gone about his business, and the streets presented nothing more than their usual appearance, except the spectacle of Metropolitans patroling and guarding the approaches to the Mechanics' Institute, a spectacle to which the people have become so habituated that it fails to attract special attention.

WARMOTH'S LEGISLATURE.

Monday, January 22, 1872.

THE SENATE.

At twelve o'clock only 11 Senators had taken their seats in the Senate Chamber, and it was not until nearly one o'clock that a quorum was obtained, all the Senators being then present with the exception of Senator Patch, who is still said to be kept at home by sickness.

A memorial from the citizens of Ouachita parish who attended a mass meeting expressive of sympathy at the loss of the late Lieut. Governor Oscar J. Dunn, was read with the resolutions attached, and ordered to be spread upon the minutes.

The President desired to state to the Senate that the bills reported as repealed had not yet been signed by him or the Speaker of the House of Representatives, as there was no Enrolling Committee appointed. President Pinchback stated that he had doubts whether these bills were legally repealed.

Senator Lewis moved that there being now a quorum of the Senate present beyond a doubt, that the repeal of the bills be declared legal.

Senator Campbell rose to a point of order. The question is whether the bills were repealed or not, was not before the Senate.

The President decided the point well taken.

NOTICES OF BILLS.

By Mr. Gallup—To incorporate the Law Library Association and to grant certain privileges to the same.

By Mr. Rasson—For the relief of officers and members of the Metropolitan Police.

By Mr. Lynch—Relating to the duties and the compensation of the State Printer.

By Mr. Ray—Relative to Registration, Election and Revising, Assessing and Collecting Taxes, providing taxation, creating the office of Chief Engineer.

By Mr. Thomas—Relative to the New Orleans, Baton Rouge and Vicksburg Railroad.

By Mr. Blackman—Relative to apportionment of the representation of the State; to relieve the tax-payers of the State of all penalties for the non-payment of taxes; repealing the Constabulary and Metropolitan Police bills.

By Mr. Campbell—To provide for the expenses of the Senate.

By Mr. McMillan—Joint resolution creating a joint committee of both Houses to consider the subjects of registration, election, militia and pikes.

By Mr. O'Hara—To appoint a committee to examine the accounts of the Board of Metropolitan Police; also, to inquire into the efficiency of the police.

By Mr. McMillan—A resolution informing the House that the Senate has a quorum and is ready for business.

By Mr. Blackman—That in the interest of peace and order and to satisfy any doubt that may exist as to the legality of the proceedings of the Senate, we request the Speaker of the House to assemble in the Hall of the House with all the members who have gone into the city and held in readiness for action. The fact soon spread among the people, and at half-past twelve the Senate and Mechanics' House had been closed in anticipation of hostilities, were all open again, everybody who had anything to do had gone about his business, and the streets presented nothing more than their usual appearance, except the spectacle of Metropolitans patroling and guarding the approaches to the Mechanics' Institute, a spectacle to which the people have become so habituated that it fails to attract special attention.

The decision of the chair gave rise to considerable quotations of the rules by the Governor's side of the House, tending to correct the chair. The chair, however, maintained its position. Thereafter much time was consumed to determine whether a motion to suspend the rules, in order to put the resolution on its passage, was debatable.

The question was decided in the negative by the chair. The Senate then refused to suspend the rules, 18 yeas; 15 nays; two-thirds being necessary.

By Mr. O'Hara—A resolution to appoint a committee to examine into the books of the Metropolitan Police Board.

By Mr. Campbell—A resolution to appoint a committee to investigate whether a conspiracy has existed to overthrow the State Government and to report.

Also—A resolution for a committee to inquire and report whether any United States officials have been implicated in the attempt at revolution and to instigate tumult by riot.

Mr. McMillan arose. He wished to know what House of Representatives the Senate was going to recognize. He then proceeded to review the history of the sessions of the House from the first day; criticizing the acts of the Governor he referred to the arbitrary acts of the Executive in ordering out the militia while the Legislature was in session, which was a violation of the Constitution. That he had also as much right to call the rabble to constitute the House as he had to have his call for an extra session of that body, when it was already in session. In view of the facts he recited the Senate could not recognize the House as at present constituted. But it seemed that it was the disposition of the Executive to maintain his House. Since the House was legal for four days, what was it that made it illegal now? He charged the Governor with political ambition in acting as he had; that he had subverted the Government. The speaker's proposition was made in order that the wheels of government be not stopped by the people refusing to meet the revenues of the State. He did not wish the Senate to take part in the controversy, but to leave it to the decision of the Houses themselves. He wished to avoid the result he anticipated that the courts would decide the repeal of the election and other laws to have been made unconstitutionally.

Mr. Blackman then reviewed further the extraordinary power wielded by the Governor, which was the cause of all the present troubles. He also referred to the consequences which might result in the event the Auditor of Public Accounts should refuse to recognize appropriations made by this Assembly. He touched upon the financial condition of the State, $2,500,000 of which had been refused here and abroad.

Mr. McMillan amused himself by joking on the return of the members. He then charged Mr. Blackman with having stated his views of the House of Representatives to be made of those who had left the session of the House; the fact that sixteen Senators remained absent from their seats in order to overthrow the government of this State. The arrest of the Executive and others by contemptible United States Marshals.

The expulsion of some of the arrested members of the House. That it was for this that the Governor had called the extra session of the House. That the extra session had adjourned sine die, and the next day the members present had re-organized and in his opinion that organization was legal. The re-organization had resulted in the ejection of Geo. W. Carter and the election of Mr. Brewster. He contended that the House and Senate of Senate had a right to change its presiding officer every twenty-four hours. Mr. Carter, when he was removed from his seat, had gracefully put the question to the House. If Mr. Geo. W. Carter had done the same thing on the 3d of January there would have been no use of armed men and policemen.

During his remarks Mr. Blackman asked Mr. McMillan how the House was the 4th could transact any business without a quorum, and when on the 3d seven members had been unseated who participated in the session of the fourth.

Mr. McMillan made some complex explanation relative to the right of the House to determine the qualifications of its members. He went on further to state that the Carter House had only 51 members present when the unseating of the members took place, that is without a quorum.

Mr. McMillan took occasion to say that it was not until the Assembly had requested the Governor to do so that armed men were placed around the Mechanics' Institute. Mr. McMillan referring to intimidation, Mr. Blackman arose and in an excited manner stated that during the personal altercation between Pinchback and Mr. Wickham, a man had drawn a pistol to intimidate the Senators.

Mr. McMillan asked Mr. Blackman's authority. He referred to Mr. O'Hara.

Mr. O'Hara stated that on that day he had, like other Senators, seen a man draw a pistol. He did not know in whose interest the man was, but the first and last letters of his name were Lucien Adams.

Mr. Blackman also made a similar assertion relative to the challenging of Senator Bowman on Dryades street, by an armed policeman. That when the altercation occurred on Saturday, the front doors of the Institute were closed and numbers of armed policemen swarmed down from the upper portion of the building.

Mr. McMillan resumed his remarks. His theme was George W. Carter and his conduct since he was expelled from the House. To a question of Mr. Smith Mr. McMillan answered that 51 members of the House of 56 present had voted for the expulsion of the Carter members. He maintained that that constituted the two-thirds required by law. He refuted the charge that the Senate had taken the outgrowth of revolution. All the fault lied with the absent Senators for the condition of things. He, the speaker, was in favor of reform which he enumerated at length. He said he was with the Senators, heart and soul, to enact reform laws. He wanted every man who had a right to vote and have his vote counted. Mr. McMillan again repeated that "that House" was the legal House and not the outgrowth of revolutionary despotism. He acknowledged that it might be the outgrowth of revolution. But the question arose as to who were the revolutionists.

Mr. Ray said that he did not think he could influence the vote of anybody by speaking, but on account of the imputation of the Senator that the fact that it might come before the courts and the United States Commission, he would review the situation. If this matter were not settled it would materially effect the credit of the State. The United States Commission would, probably be here in a few days. The House of Representatives of the United States had assumed the regret to investigate this matter. Mr. Ray laid some stress on the fact, saying that the fight was based on the fourth article of the Constitution guaranteeing a Republican form of government to every State. The Speaker then proceeded to give his views of the legality or illegality of the House. Mr. Carter was the legal Speaker on the first day—on the second day the Legislature met and passed a vote of confidence in favor of Mr. Carter. On the third day, after business had commenced, and on the 4th day. Up to that time there was no doubt that Speaker Carter was Speaker. He had not been removed. There lies the whole point. Was he ever legally removed? The Senate, he did not deny, as Mr. McMillan had said, might change its President every twenty-four hours, but it had to be done legally.

Here Mr. Pinchback arose, and in emphatic tones declared that he was in his seat in accordance with the Constitution, and that he would not entertain any motion to remove him unless according to legal modes.

Mr. Ray said that that was not the question to be discussed. He had already said that removals must be done by legal means. Mr. Ray again resumed his views of the legal question of the existence of the House. To be interrupted by a question of Mr. McMillan. Mr. Ray answered that, on the third day of the session, he thought Mr. Carter was wrong in not putting the question to unseat him. The speaker considered the calling of the House in extra session an illegal act. Several questions were put to Mr. Ray. The Marshals who served the order of arrest against the Governor and members were compelled to serve it. He did not think that the action of the Commissioner in issuing the order was proper; but once issued the Marshal had to serve it. It was serve civilians, he supposed the Governor could call the House in extraordinary session when it was already in session. He thought the extra session had without giving time for the circulation of the call and notice of the claims of Mr. Carter to power. The extra session, which had no warrant in law and was revolutionary, was adjourned *sine die*, and yet the next day it was called to order in regular session with Mr. Brewster in the chair, and Mr. Carter debarred admission by armed policemen. To members: Mr. Carter was not paid because he was not populated to come there. Such conduct could not be considered legal and binding, and he thought that the U. S. Commission would so decide.

He understood that the seven members counted were contested in their seats. It seems that three had been confirmed previously. There remained four, therefore, who were not confirmed. The twenty House contained the seven members unseated and who were necessary for a quorum. They could act by the decision. The Senate then could reverse reversed the counting would have resulted in a quorum on the 4th. So it is in the case—whatever warrior in Israel is binding until the courts decide in favor of their decisions. He contended that there had never been a quorum of the House since the 3d. (!) Twenty-one (!) members out of one-half of the members of the House authorized to be seated by law, and two-thirds of the House adjourned for the 4th day. Up to that time there was no doubt that Speaker Carter was Speaker. He had not been removed. There lies the whole point. Was he ever legally removed? The Senate, he did not deny, as Mr. McMillan had said, might change its President every twenty-four hours, but it had to be done legally.

Here Mr. Pinchback arose, and in emphatic tones declared that he was in his seat in accordance with the Constitution, and that he would not entertain any motion to remove him unless according to legal modes.

Mr. Ray said that that was not the question to be discussed. He had already said that removals must be done by legal means. Mr. Ray again resumed his views of the legal question of the existence of the House. To be interrupted by a question of Mr. McMillan. Mr. Ray answered that, on the third day of the session, he thought Mr. Carter was wrong in not putting the question to unseat him. The speaker considered the calling of the House in extra session an illegal act. Several questions were put to Mr. Ray. The Marshals who served the order of arrest against the Governor and members were compelled to serve it. He did not think that the action of the Commissioner in issuing the order was proper; but once issued the Marshal had to serve it. It was serve civilians, he supposed the Governor could call the House in extraordinary session when it was already in session. The Senate then could reverse and