NEW ORLEANS DAILY BEE.

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TERMS OF THE BEE.
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Weekly Edition.
TERMS—PER YEAR.....$5.

NEW ORLEANS:
SUNDAY MORNING, MARCH 17, 1872.

Amusements This Evening.

OPERA HOUSE—"The Jewess."
ACADEMY OF MUSIC—"David Garrick; or, Only an Actor, and "The Corsican Brothers."
VARIETIES THEATRE—Man O'Airlie."
ST. CHARLES THEATRE—"Fritz."

"THE BAR AND ITS DUTY."

Such is the title of an editorial article in the *Picayune* of Friday last, in the course of which occurs the following passage:

"It was an exhibition of public virtue, we are told, when Democratic gentlemen coalesced with the Carter-Grant Republicans for the purpose of getting control of the State Legislature for a single session."

This charge against the Democracy has been repeatedly refuted. The Democrats did not coalesce with the Carter-Grant Republicans for the purpose above stated, nor for the time indicated. The least candor would include any one to do justice to the Democracy touching their course on that occasion. The combination made was precise and limited: it was put down in writing—it was published and republished. The Democrats, on their part, agreed to oppose the election of Pinchback and the removal of Carter. The Custom House Republicans on their part, agreed to give their votes and influence for the immediate repeal of the Election, Registration, Constabulary and other obnoxious laws. Beyond this there was no combination nor coalition. But how comes the *Picayune* to rise in virtuous indignation against the Democracy? Would it not be better for that journal to define its position on State and Federal politics, in plainer terms than has yet been employed. The organ of the Reform party ought also to inform its readers whether it approves of the views set forth in the address of the Provisional State Central Committee of that party with regard to the recognition of a finality and irrevocability of the legislative acts in this State concerning the civil rights of the negro population.

DISTINGUISHED WOMEN.—Messrs. Harper Brothers, of New York, have lately published a book containing short biographies of all the women who have made their names famous in the history of the world. Its title is: "Woman's Record, or Sketches of all Distinguished Women from the Creation to A. D. 1868." Arranged in four eras, with selections from authoresses of each era, by Mrs. S. J. Hale. Illustrated by 200 portraits, engraved on wood. This book will take its place alongside of the dictionaries and encyclopedias which are to be found in every well-furnished library. It is a very complete compilation, and will doubtless have a large sale. Mrs. E. R. May, of Houston, Texas, is the Southern agent for this work, and being about to visit Vicksburg and Memphis for the purpose of bringing it to the notice of those communities, we take pleasure in commending her to the courtesy of our journalistic brethren there, as a lady entitled to their highest respect. Mrs. May is a resident of Houston, Texas, and is endorsed by the most respectable citizens of that place and of Galveston.

DEATH OF JOHN S. WASHINGTON.—We are pained to record the death of this valuable citizen and attaché of the *Picayune* and *Bee*. Mr. Washington died yesterday morning, in this city, at the age of 63 years. He had been for many years the marine reporter of the journals above mentioned, and performed the duties of the place with invariable fidelity. Deceased was a native of Virginia, but had spent the greater part of his life in New Orleans, where he was very much esteemed. The sincere sympathies of many of Mr. Washington's friends have been drawn out by this sad event, and we join in expressing to his sorrowing family the regret so universally felt at the sudden removal of one so much esteemed.

ANNUAL REPORT—BOARD OF HEALTH.—We have received from Dr. C. B. White, President of the Board of Health, the Annual Report of its operations for 1871, made to the General Assembly of the State at its session for the present year. The maps and tables accompanying this report present a very clear exhibit of the mortality of the city during the year 1871. This compilation is one of the most complete productions of the kind we have ever seen. It reflects credit upon Dr. White and his accomplished assistants.

THE FRENCH PATRIOTIC SUBSCRIPTION.—A grand sacred concert will be given in the Opera House, Bourbon street, by the artists of that establishment, for the benefit of the French Patriotic Subscription, under the patronage of the committee in charge of the same. The price of admission has been placed at two dollars. Seats can be secured by applying at the box office. It is only necessary to announce such an entertainment to secure its success, and we are very certain that at least every Frenchman will throw in his contribution in the shape of a ticket to this concert, and thus exhibit his sympathy and co-operation with his countrymen at home in the work of ridding France of the enemies who now occupy her soil.

ANDERSON'S PHOTOGRAPHIC STUDIO.—The attention of our readers is called to the photographic studio of Mr. Anderson, No. 183 Canal street, next door to the Varieties Theatre. The pictures taken at this establishment are not excelled in correctness or finish by those of any other photographer. The "Sun Pearl" continues to give satisfaction to the public, every effort being made by Mr. Anderson and his assistants to please those who patronize him. Pictures taken in the latest styles and every effort made to furnish accurate likenesses.

TRUTH.—The powers of Mrs. Whitcomb's Syrup for children are as positive as the sunlight from heaven, and gentle and soothing as an angel's whisper.

AMUSEMENTS.

ACADEMY OF MUSIC.—To-night the Bandmanns with play "The Corsican Brothers" and "David Garrick, or Only An Actor," a very attractive bill, into which the whole strength of the company will be cast, with Mr. Bandmann in the first piece, and with him and his wife in the afterpiece. To-morrow night they will give "Narcissa," which was written expressly for them by Tom Taylor, and in which they are reported to have been eminently successful in London.

VARIETIES THEATRE.—There was a full house at the matinée yesterday, when "Rosedale" was played and again, at night, there was a fair audience when, besides "The Robbers," with "John Wappa" for an afterpiece, Mr. Barrett gratified the assemblage with his reading of Thomas O'Brien, which, with the exception of a very few utterances of an unheard of brogue, such as *grate* for *priest*, for which he has no excuse, since, if report be true, he is "to the manor born," is the best we have ever heard. To-morrow night the "Man o' Airlie," in which, we are assured, he believed distinguished success in the North, will be put on the boards, and, if we do not mistake, for the first time in New Orleans.

ST. CHARLES THEATRE.—We cannot tell altogether why, but that *Fritz*, as impersonated by Mr. Emmet, is one of the most popular things on the stage, the good houses attending the performance every night although it has been on the bills a week, clearly demonstrates. There is much humor, and, occasionally, a touch of genuine pathos in Mr. Emmet's acting of the character. It will be repeated tonight.

A Detroit wife lately sold the family cook stove to pay the fine and release her husband, who had been sent to jail for brutally beating her.

The University of Oxford has altogether still members on their books, including both professors and students.

The New Orleans Bee.

OFFICE 73 CHARTRES STREET. NEW ORLEANS, SUNDAY MORNING, MARCH 17, 1872. 9th YEAR—Vol. XLV.—Whole—15,621.

CITY INTELLIGENCE.

Mary Victor, a woman living in a house on Basin street, between Customhouse and Bienville, was stabbed there, yesterday morning between 12 and 1 o'clock, receiving two wounds, which are thought to be dangerous. A man named John Achille has been arrested as the person who inflicted the injuries.

Upwards of eleven hundred thousand dollars of police warrants turned into the State treasury, by the city, the Parish of St. Bernard and the part of Jefferson included in the Metropolitan Police district, were destroyed at the gas works yesterday, by order of the Police Board. At least that amount of warrants was said to be in the parcels burned.

We acknowledge the receipt of a complimentary ticket to an entertainment which is to be given to-day, at the Louisiana Hotel, by Branch No. 5 of the Hibernian Benevolent Association.

Between 12 and 1 o'clock yesterday morning a frame cottage at the corner of Carondelet and Clio streets, occupied by F. Herron, furniture dealer, was destroyed by fire and the two story kitchen building in the rear, occupied by Joseph Moore, colored, was partly consumed. Entire loss estimated at $2000.

A body supposed to be the corpse of W. M. Leslie, an attorney-at-law, who had been convicted of defrauding clients, but who was pardoned by the Governor, was lately found in Lake Pontchartrain, about five miles from Covington, where it was buried. There seems to be no doubt that the remains were those of Leslie, for he was in the habit of visiting that part of the Lake shore, and a knife was found in one of the pockets on which was engraved: "W. M. Leslie, Attorney-at-law." How he came to his death is a mystery. The body was greatly disfigured by having been in the water a long time, so disfigured that it could not be identified.

The Young Men's Benevolent Association, which has become famous for the brilliancy of its Terpsichorean entertainments and for the decorous manner in which they are conducted, will give its St. Joseph's ball at Odd Fellows' Hall. The festivity occurs on Tuesday night next, and the gay and fashionable folk are on the tiptoe of expectation.

In the suit of Wittgenstein, for the office of Assistant Secretary of State, in which he was supplanted when his chief, Mr. Bovee, was removed by the Governor and when Mr. Fairfax was appointed by General Herron, Judge Dibble, Eighth District Court, has decided that he has no claim to the office. The decision evades an opinion as to the legality of the ousting of Mr. Bovee.

St. Patrick's Day.—This being St. Patrick's Day, it will be publicly celebrated by the branches of the Hibernian Benevolent Aid Association, which will assemble on Canal street, and at half-past twelve o'clock, will form in procession and parade some of the principal streets of the city. The following is advertised as the route of the procession:

From Canal street down Rampart street to Esplanade, and thence to Royal, down Royal to Maudeville, out Maudeville to Levee, up Levee to Esplanade, out Esplanade to Carondelet to Canal, thence to St. Charles, up St. Charles to Julia, out Julia to Carondelet, up Carondelet to St. Andrew, out St. Andrew to Magazine, down Magazine to Felicity, thence to Annunciation, down Annunciation to Calliope, Calliope to Magazine, to Julia, to Camp, down Camp to Canal and thence to Rampart, where the organization will be dismissed.

U. S. Circuit Court.—In the cases of Myra Clark Gaines versus Lizardi, Mousseaux, Arguelly, Coman, Lewis, Lonque and Compton, Judge Woods delivered on Friday last the following opinion and decision:

These several suits are actions brought by plaintiff to recover of the defendants certain real estate, of which they are in possession, claiming title. The defendants in these actions on June 7, 1871, filed bills in equity, alleging that the plaintiff's title depended on the validity of the will of Daniel Clark in her favor, and that an action was pending in the Probate Court for the parish of New Orleans to contest the probate of said will, and praying for an injunction to stay proceedings in these cases until the determination of the suit in the Probate Court. These equity causes came on to be heard before Mr. Justice Bradley, sitting in this court, in June last, when the motion for the injunction prayed for in the bills. After argument of the motion and due consideration the Judge gave a written opinion, in which he declared: "I have been unable to find any precedent for such a bill, and I cannot see the necessity of it. If any circumstances exist which render it improper or inequitable to carry on the proceedings in this court, they can always be brought to the notice of the court on motion or petition in the suit or may be pleaded in bar or abatement. A formal bill for such a purpose seems to me to be mischievous litigation, and I shall direct the bill as such to be dismissed, but allow it to stand as a petition in the several suits brought, to be suspended, not requiring the complainant to file any answer or other pleading thereto. The learned Judge regarding the bill as a simple petition filed in cases in which stay of proceedings is sought, proceeded to consider its prayer and refused to grant it, holding that it was competent for the defendants to contest the validity of the will of Daniel Clark, in these cases or by a separate suit, or by a revocation of the probate in the Parish Court, or in both of these methods. Under these circumstances the stay of proceedings in this court he held, to be a matter entirely in the discretion of the court. Had the defendants promptly resorted to the Parish Court for relief, he would have felt it his duty to suspend proceedings here until they could have had a fair opportunity to get the decision of the Parish Court, but as the defendants had allowed the probate of the will to rest fifteen (15) years, it seemed to him unreasonable to tie the hands of the complainant, and he felt bound to allow the cases to proceed if the complainant should so elect. He therefore refused to stay the proceedings and allowed the defendants until the 1st Monday of December (1871) to file their answers. The defendants failed to file their answers by the 1st Monday in December, but on that day filed a motion renewing their application for a stay, on the suggestion that since the refusal of Mr. Justice Bradley, the Parish Court of New Orleans having probate jurisdiction, had rendered a judgment by which it was ordered, adjudged and decreed that the will purporting to be the will of Daniel Clark and to be dated July 13, 1813, be revoked and declared invalid, and the probate thereof annulled and recalled as absolutely void and of no effect.

Upon the motion thus renewed, these causes are again submitted to this court.

If the judgment of the Parish Court on the validity of the will of Daniel Clark is final and conclusive, then this their motion is vain, for defendants can set up that fact as a matter of defense in their answers, and there is no necessity for the stay of proceedings, and the causes should proceed without delay. But the judgment of the Parish Court is not final, and it is shown to the court here that a suspensive appeal has been taken from the judgment of the Parish Court to the Supreme Court of the State. This appeal opens the judgment and leaves the question of the validity of the will still unsettled. So that it seems to me that the case is in precisely the same plight as it was when the motion for stay was made to Mr. Justice Bradley. The fact still remains that the defendants allowed the probate of the will to rest fifteen (15) years without contest. The fact that one of the two courts having jurisdiction of the questions raised in the contest of the will, has declared the will void does not relieve the applicants for stay of proceedings of the charge of unreasonable *laches* in bringing on the contest of the will. If that *laches* was good ground for the refusal of their motion when first made, it is good ground now. If, as Mr. Justice Bradley remarks, the defendants are successful in procuring a revocation of the probate in the Parish court, before the closing of the testimony in this court, they will then have the benefit of it. How? Not by a stay of proceedings, but by setting up that fact in a supplemental answer.

But they have not yet succeeded in obtaining a revocation of the probate. That question is still open and pending, and the decree of the Parish Court is as yet inoperative and ineffectual. If the defendants are successful in procuring a revocation of the probate, by a valid and final decree, before the closing of the testimony in these cases, then, in the language of Judge Bradley, they will have to pend upon it, otherwise they must decide the cause pending the contestation of the will in the court in which it is now pending, when this motion, as Judge Bradley declared: "I have been unable to find any precedent for such a bill, and I cannot see the necessity of it. If any circumstances exist which render it improper or inequitable to carry on the proceedings in this court, they can always be brought to the notice of the court on motion or petition in the suit or may be pleaded in bar or abatement. A formal bill for such a purpose seems to me to be mischievous litigation, and I shall direct the bill as such to be dismissed, but allow it to stand as a petition in the several suits brought, to be suspended, not requiring the complainant to file any answer or other pleading thereto.

The motions in all the cases are therefore overruled.

It appears that the defendants in the first six cases above named, having failed to file their answers on the 1st Monday of December last, on the 12th of January the complainant took decrees *pro confesso* against them. Motion is now made and submitted to the court to set aside these decrees *pro confesso* and to permit the complainant to file any answer or other pleading thereto. The learned Judge regarding the bill as a simple petition filed in cases in which stay of proceedings is sought, proceeded to consider its prayer and refused to grant it, holding that it was competent for the defendants to contest the validity of the will of Daniel Clark, in these cases or by a separate suit, or by a revocation of the probate in the Parish Court, or in both of these methods. Under these circumstances the stay of proceedings in this court he held, to be a matter entirely in the discretion of the court. Had the defendants promptly resorted to the Parish Court for relief, he would have felt