The New Orleans Bee.

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NEW ORLEANS DAILY BEE

DUBOUR & LIMET, PUBLISHERS

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TERMS OF THE BEE.

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The Semi-Weekly is published every Tuesday and Friday morning, at $5 per annum, payable in advance.

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Semi-Weekly Edition.

TERMS—PER YEAR.....$5.

NEW ORLEANS:

THURSDAY MORNING, MARCH 9, 1871.

Announcement This Evening.

OPERA HOUSE—"L'Etoile du Nord," opera.

ST. CHARLES THEATRE—"Fritz, Our Cousin German," with Jos. K. Emmet.

ACADEMY OF MUSIC—Gaite Comique Troupe of Specialties.

CRESCENT CITY MUSEUM—Nos. 40 and 42 St. Charles street.

AN IMMODEST PROPOSITION.

It is stated in the reports of the proceedings had in the Eighth District Court yesterday, in the case of the State on relation of Salomon & Simpson, against the Auditor of the State, Mr. [illegible] that the Attorney General expressed some dissatisfaction at the employment by the Auditor of private counsel, and insisted upon his right to be consulted by that officer and to assent to the employment of counsel with himself if he thought proper to do so. He denied that the Governor and Auditor had the right to make selection of counsel to aid him in his official duties.

Under the circumstances, this is one of the most immodest propositions we have heard for many a day; and we do not think it is even tenable in law. In the first place, the Attorney General is himself interested in defeating the Auditor in this litigation, because he is now seeking from that officer warrants upon the Treasurer, under authority of an act of the Legislature, which is amenable to the same objections as the act which is sought to be enforced by Nixon's assignees in the proceeding before Judge Dibble. Attorney General Belden is the beneficiary under an act passed at the late session of the Legislature, which allows him some fifty thousand dollars for what he claims to have been extra services to the State rendered in his official capacity. If the Auditor be ordered by Judge Dibble to issue the warrants upon the Treasurer, demanded under the act of the Legislature in favor of J. O. Nixon, he must also issue those demanded by Attorney General Belden under the act in his favor. Mr. Belden has therefore a direct personal interest that Mr. Nixon should be successful and Gov. Warmoth and the Auditor unsuccessful in the case now before Judge Dibble. One would think that the law adviser of the Governor and other State officers should have sufficient decency not to wish to appear in a case where he might be charged by the public with preferring his own interest to that of the State. But Attorney General Belden, if we read the law correctly, has no such right to appear for the Auditor in this litigation, as he sets up. It is only *when required by the Governor* that he is to appear in the courts for the State, in cases in which she may be a party, or may be interested. (Revised Statutes, section 131.) The Auditor and all other State officers when cited to appear in court to answer in a mandamus proceeding, have the right to select their own counsel, for they are defendants against a proceeding of the State. In such a case, we say, it is the State that is the plaintiff, and the Auditor the defendant. The Attorney General, therefore, may appear for the plaintiff if he wishes to do so, and we are free to say that will be a very appropriate role for him to take on, because it is his individual interest that the mandamus should be made peremptory. To prove that we are correct in asserting that the State is plaintiff, and Auditor Graham the defendant, we have only to cite the title of the case: "The State on the relation of Salomon & Simpson versus James Graham, Auditor." Here Mr. Graham by a legal fiction is required to oppose the State, which through the machinery of her courts, seeks to compel him to perform what is alleged to be his duty. Mr. Graham therefore has a right in his individual capacity, to show to the court that he is not bound as an officer to perform the duty which the State desires him to perform. If the Attorney General were to appear for the Auditor, we should have the strange spectacle of the State resisting her own suit.

Mr. Belden's claim is indefensible.

PEOPLE'S INSURANCE COMPANY.—A company under the above title has been organized in this city, with a view of benefitting the Second District, where the office is to be located. The capital stock to be five hundred thousand dollars, with privilege of increasing it to one million, in shares of $100 each. The profits are to be divided among the assured and the stockholders. A subscription book has been opened at the People's Bank, corner of St. Peter and Old Levee streets, where parties wishing to subscribe can do so.

EUROPEAN IMMIGRATION.—The attention of the members of the Chamber of Commerce and our commercial readers generally, is directed to the notice in another column, which announces that an address will be delivered before the chamber at 7 P. M. this evening, by the Revd. R. C. Blichfeldt of Alabama, on the object of European Immigration. This gentleman comes to our city highly recommended by prominent citizens of Selma and Mobile, as one whose attention has been much turned to the work of encouraging and forwarding the introduction into the Southern States of laborers, mechanics and domestics from the Scandinavian countries of Europe.

FRENCH ALMANAC FOR 1871.—We are indebted to our confrère, Mr. E. Lefranc, of the *Renaissance*, for a copy of his almanac for 1871. It contains an annual review of the principal events of 1871 and other interesting matter. Portraits of Gens. Lee, Johnston, Jackson and Beauregard and of Jefferson Davis and Alex. H. Stephens, embellish the work. General Lee's battle reports also make part of the English reading matter.

THE STATE FAIR.—We are requested to state that the Directors of the Mechanics' and Agricultural Fair Association of Louisiana determined at a meeting held by them last night, to postpone the annual fair which was to have been held on the 8th April next and succeeding days, until the 18th day of next November. This is in consequence of the destruction by fire of the buildings at their Fair Grounds on Sunday last. It has been found impracticable to rebuild them in time to hold the fair in April.

Thanks to the Southern Express Company for late New York papers on different occasions.

☞ Gen. R. E. Lee, writing under date of January 12, 1865, says: "I like simple mechanism, and the experience of my daughters-in-law and the experience of my daughters have had in operating it, makes the Wilcox & Gibbs sewing machine a great favorite in my family. For sale by J. S. Hedrick, 118 and 120 Canal street, New Orleans." 5ct28 3m d&sw

☞ $1,000 Reward will be paid by the proprietors of Dr. Pierce's Alt. Ext. or that will equal it in curing all the diseases for which it is recommended. In the cure of severe and lingering Coughs, Bronchitis and diseases of the lungs it is without an equal. Sold by all druggists. wed fr sun&sw

☞ 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.

☞ Lebeau has $26 newspapers, of which 21 [illegible] 13 morning, 9 evening; 18 [illegible] 10 of which are issued; 26 [illegible] and only 1 on Sunday. It has [illegible] 4 subscribers, each on [illegible] 1 on [illegible] 1 on [illegible] 1