New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

THE DAILY REPUBLICAN

May be had of the following dealers:

George Ellis, opposite the Postoffice.

A. Simon, No. 94 Exchange Alley.

C. C. Haley, No. 19 Commercial Place.

C. G. D. Hollie, No. 61 Exchange Place.

James Ennis, Pontchartrain Railroad Depot, Third District; also, at Depot foot of Lafayette Street, First District.

J. W. Long, corner of Love and Enghien Streets, Third District.

Variety news-stand, corner Dauphine and Canal streets.

AUCTION SALES THIS DAY.

BY R. M. & B. J. MONTGOMERY, at 11 A. M., at Old Auction Mart, No. 87 Camp street, a general assortment of new and second-hand furniture, etc.

BY UNITED STATES MARSHAL PACKARD, at 12 o'clock, at entrance to Customhouse, on Canal street, steamer Quaker, her tackle, etc., now lying at Carrollton—Frederich Raiche vs. steam towboat Quaker.

Local Intelligence.

TWO WATERWORKS RESERVOIRS BROKEN—*A Young Flood.*—For some time past it was known that the Waterworks walls fronting on St. Thomas street were rather weak, but it was not anticipated that the brickwork would be forced out by ordinary pressure. Several years ago this section was greatly strengthened by an addition of chains and bolts, but it seems that all together were not sufficiently strong for the purpose, as on Sunday afternoon the weight of water caused the walls to give way on the side mentioned. Of course, an immense body of water was sent into the streets with a rush, and before it could find channels for delivery, caused some damage. The force was so great that large masses of brick were hurled along through the street almost as easy as if they had been cork.

The Commercial cotton press, on St. Thomas street, was pretty well flooded, damaging many bales of cotton. This loss will sum up $3000, perhaps less, or it may be more. The city suffered a loss of something like $50,000 by the break.

The scene in the neighborhood is described as having been quite terrific, frightening all the dwellers in that portion of the city, and flooding all the yards. Fortunately, few people were around at the time. Had any one been passing on St. Thomas street at the time they would certainly have been drowned.

MIXING THINGS.—Considerable confusion as well as merriment was occasioned in the Third District yesterday morning, in consequence of some wags during the night previous having removed business signs to points considerably out of place. For instance, we noticed at a corner grocery a large sign swung in broad relief to public gaze—"Dry goods, cheap for cash." At a jewelry store was one announcing "Old rags, bottles, &c." At a millinery establishment owned by two estimable young ladies of the Third were two rather handsome little signs, one proclaiming "Corns and bunions extracted without pain;" the other—"All diseases not chronic cured in five minutes." The wags, however, appear to have dealt a little more leniently with Mr. Swan, of the Fire-proof coffee house, having simply placed a small notice over his door announcing the gentleman within to be a *wildcife*.

The indignation of our down-town merchants can be better imagined than described.

OFFICIAL MORTUARY REPORT.—Dr. S. C. Russell, secretary of the Board of Health, reports that the whole number of deaths in this city for the week ending Sunday evening at six o'clock was ninety-seven. One died of apoplexy, 1 of asthma, 3 of bronchitis, 3 of congestion of brain, 1 of congestion of lungs, 9 of consumption, 1 of croup, 1 of diarrhea, 1 of dropsy, 1 of disease of brain, 1 of diphtheria, 2 of erysipelas, 1 of fever, 2 of congestive fever, 2 pernicious fever, 1 of intermittent fever, 2 of malarial fever, 2 of typhoid fever, 1 of fracture of leg, 3 of heart disease, 1 of whooping cough, 2 of lockjaw, 1 of measles, 1 of old age, 1 of pleurisy, 8 of pneumonia, 1 of pleuro-pneumonia, 2 of premature birth and 4 of small-pox. Twenty-two were interred from public institutions, and ten on certificates of coroners.

CHARITY HOSPITAL.—Mr. P. M. Tourne, clerk of the Charity Hospital, sends us the following report for March:

Admissions 449, discharges 362, deserted 20, deaths 84. Remaining in Charity Hospital 557; remaining in Marine Hospital 54. Nativity of patients admitted: United States 197, foreigners 249, unknown 3; total 449.

SCHOOL FESTIVAL AT THE DELACHAISE GROUNDS.—These splendid picnic grounds were well filled on Sunday, and crowded in every part yesterday by the parents and friends of the two hundred and fifty pupils of the First German American Elementary School of the Fourth District, Rev. L. P. Heintz, superintendent. The large platform was filled with the worshipers of Terpsichore, while some fair young ladies at the floral temple dispensed some choice delicacies. There were plenty of amusements—singing by the children, gymnastics by the Turners' Society, and others too numerous to mention.

STEALING A WARDROBE.—Charles Allerton, the popular comedian of the Wyndham troupe, was robbed of a greater portion of his theatrical wardrobe last evening. This will be a serious loss to Mr. Allerton, as his wardrobe was one that attracted the attention of our "tailoristic criterionics" and was of immense value, and will be difficult to replace in this country.

Mr. Allerton is an actor of decided merit, and any one who would steal a good actor's wardrobe, who is struggling for public fame, would steal brother-in-law Casey's political reputation.

THE KNIFE.—About eight o'clock Sunday evening a difficulty took place on Treme street, between Conti and St. Louis, between two women named Louisa Jones and Mary Jane Francis, in which the latter was stabbed in the right breast, and dangerously wounded, by Louisa Jones, who was locked up in the fourth precinct station. Francis was sent to the Charity Hospital, where her wound was pronounced dangerous.

DIED OF HIS WOUNDS.—Sam Scott, who had a difficulty with and was badly beaten by one Jo Bannon, on Franklin street, between Girod and Lafayette, in March last, died from the effects of the injuries received, up in the Sixth District, Sunday morning. Coroner Creagh commenced the examination of the witnesses as to the facts on Monday morning. Bannon has surrendered himself at the first precinct police station.

The lad John Dennison, who was shot by his step-father, has gone to his home from the Charity Hospital, he having so far recovered that his wants can be attended to by his mother.

SUICIDE AT THE CHARITY HOSPITAL.—An Englishman named Thomas Barclay, aged fifty years, who was admitted into the Charity Hospital on the ninth of January, committed suicide Saturday night by taking opium. Deceased had one of his legs amputated about four years ago, and an abscess formed on the stump, which appeared to exercise a depressing influence on his mind, and this, it is supposed, was the cause for the commission of the rash act. Death ensued Sunday morning before day, and a portion of the poisonous drug was found under his mattress. Barclay was a single man, and has resided in this city over thirty years. Coroner Creagh held an inquest, when the verdict was in accordance with the foregoing.

INCENDIARY FIRE ON POYDRAS STREET.—A two-story frame house on Howard street, between Lafayette and Poydras streets, was found to be on fire about one o'clock Saturday night, and the flames were extinguished by the police before any serious damage ensued, and without the necessity of sounding an alarm. The building is attached to the premises of Mrs. Curley, and was occupied as a stable. There is little doubt that an incendiary applied the torch, and suspicion falls upon one Mike Golden, formerly in Mrs. Curley's employ.

SINKING OF A LUGGER BY COLLISION—*One Man Drowned.*—A small lugger was run down and sunk, in the extreme darkness, by the steamship Morgan, while the latter was coming up the river Saturday night. There were two men on the lugger, one of whom was drowned. The other was rescued and brought to the city on the Morgan. The name of the drowned man has not been ascertained.

CRIMINAL COURT.—The court was occupied in examing the excuses offered by those of our citizens who had been among the three hundred and fifty names down as petty jurors for April. Of those, only eighty-two were obtained; out of three hundred about two hundred were present. From these the following grand jury for the months of April, May and June was selected:

A. Eustis, foreman; P. E. Sourdes, William E. Fitzgerald, A. Melancon, R. A. Ledoux, S. Sandack, E. Roux, G. Lecourt, M. J. Savage, Henry Reese, Richard Claque, A. Whittock, Paul Labranche, Lucien Mansion, John Barrows, J. B. Ferrand.

The grand jury adjourned until Thursday after having received the usual instructions from the court.

Abram Brovin, who was convicted for an assault and battery (the celebrated pig's foot case) has now applied for a new trial through R. King Cutler, Esq. The motion will be argued on the sixth instant.

SCHOOL PICNIC AT THE FAIR GROUNDS.—The picnic at the Fair Grounds Sunday and yesterday, for the benefit of the church and school on Clio street, was given under the auspices of the board of school and church wardens of the German Protestant church there. The festival was held in the main building of the Fair Grounds. The Turner Glee Club and the Pyramid section of the Turners' added to the entertainment, because of their fine singing and adroit gymnastics. The attendance was large each day, the enjoyment unalloyed and the proceeds very satisfactory.

Monthly Report of Barometer and Thermometer.

WAR DEPARTMENT,
Signal Service United States Army,
New Orleans, April 1, 1872.

The following table shows the monthly mean of barometer and thermometer, and amount of rainfall for the month of March, 1872:

Date.	Mean Barometer.	Mean Thermometer.	Rainfall.
March 1	29.99	44	.77
March 2	30.15	47	....
March 3	30.16	52	....
March 4	30.14	55	....
March 5	30.15	52	....
March 6	30.15	52	....
March 7	30.02	52	....
March 8	29.92	57	....
March 9	29.63	59	1.46
March 10	29.64	58	....
March 11	30.20	59	.12
March 12	30.30	59	....
March 13	30.17	58	....
March 14	30.13	60	....
March 15	30.14	61	....
March 16	29.91	64	....
March 17	29.98	56	.10
March 18	30.20	53	....
March 19	30.24	58	....
March 20	30.35	61	....
March 21	30.32	62	....
March 22	29.97	64	....
March 23	30.13	59	.02
March 24	29.97	67	4.05
March 25	29.97	62	2.01
March 26	30.06	60	.50
March 27	30.16	59	....
March 28	30.10	62	....
March 29	30.06	62	....
March 30	29.87	65	....
March 31	29.94	70	....
Monthly mean.	30.07	59	
Total rainfall			9.19

Prevailing wind, southwest; total number of miles traveled, 7180.

F. MANSFIELD, Observer.
Signal Service United States Army.

Meteorological Record.

The signal service, United States army, reports, for the benefit of commerce, the meteorological record, at 3:43 P. M., local time, yesterday, as follows:

Place.	Ther.	Wind.	Weather.
Augusta	67	N. W.	Clear.
Baltimore	66	N. W.	Fair.
Boston	49	N. W.	Cloudy.
Buffalo	37	N. W.	Fair.
Cairo	51	S. E.	Clear.
Charleston	64	N. W.	Clear.
Chicago	43	S. W.	Clear.
Cincinnati	47	N. W.	Fair.
Davenport	39	N. W.	Clear.
Galveston	68	E.	Fair.
Indianapolis	46	N. W.	Clear.
Jacksonville, Fla.	68	N. E.	Fair.
Key West	73	S. E.	Fair.
Leavenworth	36	S.	Clear.
Louisville	51	S. W.	Clear.
Memphis	56		Clear.
Mobile	65	S. E.	Fair.
Nashville	54	N. E.	Clear.
New Orleans	67	N. E.	.....
New York	42	N. W.	Fair.
Norfolk	52	S. W.	Fair.
Omaha	38	S. W.	Clear.
Pittsburg	40	N. W.	Cloudy.
Portland, Maine	39	W.	Threatening.
Punta Rassa, Fla.	75	N. W.	Cloudy.
Savannah	62	N. E.	Cloudy.
Shreveport	64	N. E.	Clear.
St. Louis	51	S.	Clear.
St. Paul	29	S.	Fair.
Vicksburg	53	N.	Clear.
Wilmington, N. C.	62	N. W.	Clear.

TEMPERANCE LECTURE.—Rev. J. C. Hartzell, of this city, by invitation of a committee from the Young Men's Christian Association, will speak this evening in Coliseum Baptist Church, on the subject of temperance.

The Washington *Chronicle* says of the last interview of Lieutenant Governor Pinchback with President Grant:

Lieutenant Governor Pinchback again urged that the President interfere in the condition politics assume in the State of Louisiana. The President replied that he thought he would be initiating a bad policy to meddle with the politics of any State; that it would be setting a questionable precedent for the future. The people resident in that State understood the situation there better than he, and he would prefer that they would harmonize by settling their difficulties among themselves.

THE CITY HALL.

There was an unusual dearth of business at the Hall yesterday. The only subject of interest, indeed, being the Waterworks, the reservoir of which bursted Sunday evening, an account of which will appear elsewhere. The ruins, however, have been examined by the Surveyor and Administrator of Waterworks, preparatory to making a report to the Council to-day.

The reported removal of Administrators by the Acting Governor turned out to be a first of April hoax.

By this time the street commissioner has got the Canal street shellroad and other avenues in fine order for travel.

AMUSEMENTS.

St. Charles Theatre.

The Wyndham Comedy Company played "Saratoga" last evening to a very appreciative audience, which, we hope, will be larger on its repetition this evening. Next week, Janauschek, the queen of tragedy, commences an engagement.

Academy of Music.

The attendance was very fair at the Academy of Music last night, on the occasion of the first presentation of the new drama entitled "The —— Commandment, or, Thou Shall Not ——." In the cast were Percy Roselle as *Will Wiley*, J. W. Hill as *John Grey*, H. A. Ellis as *Matthew Cringy*, Miss Alice Hawthorne as *Esther Deane*, Miss Augusta Chambers as *Blanche Grey*, Miss E. J. Phillips as *Dorothy*, and Messrs. G. Morton, C. Norris, J. Moony and J. Moen in appropriate characters. The same play this evening.

Varieties Theatre.

The "Duke's Motto" was always a popular play at the old Varieties Theatre, and it is no less so at the new temple of the drama. It is put on the stage in an exquisite manner, and the distribution of characters is excellent. It will be repeated this evening. For the matinee to-morrow "The Rivals" will be brought out. Benefit of Mr. George Clarke next Friday evening. On Monday evening next Mr. Stuart Robson will take a benefit and appear in four pieces—"A Sea Sick Tobacconist," "Everybody's Friend," "Jones' Baby," and "Hamlet, or Wearing of the Black." Mr. Robson as *Jones, De Boots, Shorteut*, and *Hamlet*. Box sheet now open.

Opera House.

This evening the opera of "Si J'Etais Roi" and "Le Sourd." Thursday evening the opera of "Le Prophete."

Meeting of the Chamber of Commerce.

The Chamber of Commerce met last night for the consideration of such business as should come before it.

On amendments to the bankrupt law, the committee asked for further time.

A communication from Senator Kellogg in reference to trade with Cuba was read and filed.

The petition for "incrsasing the mail facilities" on the "American side of the Rio Grande" was read. A public meeting had been held in Brownsville in which it was resolved to petition for a weekly mail communication between that town and New Orleans. The memorial was addressed to the Postmaster General of the United States, and recited that the town was "the gateway of a large commerce," and hence extensive mail communication—the present mails being overland—was needed with the rest of the United States, it being required for the department to take notice.

Mr. Oglesby said it was important to have mail facilities. It being moved that the Chamber join in the recommendation of the petition, it was adopted.

A communication from the National Board of Trade asked for the abrogation of all inspection laws and the establishment of a postal telegraph, on the ground that the inspection was an oppression to trade, it being more proper to devote inspection to the several commercial associations.

The communication was "laid over subject to call."

The chairman of the committee previously appointed concerning a meeting-room for the Chamber in the Cotton Exchange read a letter.

General Bussey, on behalf of the latter corporation, for his part, tendered the rooms free, and he felt that there would be no objection on the part of the members. The letter was approved.

The proposals for new membership and change of location of the Chamber was canvassed. Mr. Oglesby was opposed to the transfer on the ground that it would dispossess the Cotton Exchange unnecessarily. Mr. Armstrong was opposed on the ground that the Chamber of Commerce would be swallowed up, and would sink so far "it couldn't be found with a search-warrant." General Bussey held that some means were required to have all the people work together, and by meeting and "talking the thing over on the same floor" the interchange of commercial ideas would be facilitated.

General Hayes reduced the thing down to this: "Let us remain independent. I think if the merchants of New Orleans can't afford to pay $2500 a year for the support of a Chamber of Commerce, we had better burst up."

The motion to reconsider the resolution appointing a committee to confer with the Cotton Exchange in reference to obtaining a room for meeting was carried.

Mr. Oglesby was firm against the proposition, on the ground that it would be playing "second fiddle" to the Cotton Exchange; and as he had been a member of the Chamber for twenty-nine years, and had urged the members of the Cotton Exchange personally to join the Chamber without avail, it was not the time now for merging the organization in the Exchange, such as the carrying out of the resolution would bring about.

The further consideration, on motion of General Bussey, was then postponed.

The meeting then adjourned.

The Wyndhams in "Saratoga."

Last evening, the brilliant comedy of "Saratoga" was repeated by the Wyndham Company for the second time in this city. The audience was not so large as might have been expected from the season, but the piece went with all the sparkle and vivacity that provoked such complimentary remarks at its first representation. We have before spoken of the many fine points and splendid effects that distinguish this representation and render it, if not the best, one of the most amusing in their repertoire, and should attract large audiences at each performance. It is announced for repetition to-night and to-morrow.

The forthcoming novelty announced by Mr. Wyndham is a new comedy adapted from the French, entitled "Friends." This play, on its original production in Paris, caused an immense excitement and much newspaper controversy in regard to the social problems it treats of. Public opinion was roused to the highest state of excitement, and the piece enjoyed an unprecedented run to crowded houses during the entire season. The present adaptation is produced for the first time in this country, and retains all the fine and witty points of the original, and it will certainly create a sensation here where feeling, sentiment and taste are so entirely French. It will be produced on the withdrawal of "Saratoga."

THE COURTS.

United States District Court—In Admiralty.

The case of Norton and Tarlton against Brandies and others was set for trial on Friday, eleventh.

Dennis Cronan, in the case of the Merchants' Mutual Insurance Company against the steamer Sabine, is ruled into court to show cause, on the third instant, why the seizure in the hands of the deputy clerk be not set aside.

The libels against the steamers Indiana, Charles B. Church, Henry Ames and Dexter were dismissed, the exceptions being maintained.

In the case of Charles Barron and others against the towboat Valid, the claimants having deposited with the clerk all that was due, the libel was dismissed.

Messrs. Bussey & Co. recover of the steamer Colossal $3115.

Commissioner Cohen is ordered to report a tableau of distribution of the proceeds of the steamer Belle Ida. Time to advise was taken as to the opposition in the tableau filed in the case of P. Cooper and others against the steamer.

Time to publish monitions in cases 9846-9851, inclusive, was granted the Marshal.

The case of A. Woodward against the steamer W. F. Curtis was referred to the clerk for classification of privileges.

The case of W. Otis against the steamer Rio Grande was submitted.

The case of J. T. Holmes against the steamer Cornelia went by default, and the plaintiff recovers $97 and costs.

William Rivers and six others recover of the steamer Mayflower the amounts to which each is entitled.

United States Circuit Court.

An appeal from the judgment of the United States District Court has been taken in the suit of Seweird & Kip against the steamship Teutonia.

Anthony Gonzales has filed a bill in chancery against the Louisiana State Lottery Company. The complainant goes on to say it is his intent to engage in the selling Havana lottery tickets, having the "original packages" consigned to him in this city, and he holds that there is no law forbidding their importation into the United States; and that the Louisiana Lottery Company ought not to prevent the business of selling Havana tickets here; and that the lottery act, by preventing such traffic, is in conflict with that article of the constitution of the United States which confers on Congress the exclusive right to regulate commerce between the States. It is also set up that the lottery act infringes on the judicial authority in providing for the collection of a fine from delinquents, payable to the company; so delegating to the company the whole police powers of the State on the subject of lotteries. The complainant says he will be damaged every time the importation of such tickets is prevented to the extent of three thousand dollars; wherefore an injunction is prayed for against the Lottery Company.

An extremely important decision in the suit of Edward C. Palmer against Mrs. Margaret Deas was rendered by Judge Woods yesterday, involving the right to a plantation in the parish of Ascension. It was an application for injunction which, applying the common law, was overruled.

The Question of Legacies—Decision by Judge Woods.

Judge Woods, of the United States Circuit Court, rendered a decision, of which the following abstract is given, and pronounced the doctrine that property in the hands of an executor, although an universal legatee, cannot be sold for his personal debts until the legacies are discharged:

Jules Labatut et al. vs. A. E. Prewett et al.—The averments of the bill are that Zenon Porche, of Pointe Coupee parish, Louisiana, was in his lifetime seized, as of an estate in fee simple, of a certain plantation situated in said parish. That having departed this life, his will was, on August 21, 1861, duly probated in the probate court of said parish, whereby he bequeathed a large number of legacies to legatees therein named, amounting in the aggregate to $100,000, and constituted and nominated Evariste Bara his universal legatee and testamentary executor. The said Bara accepted said trust, and was duly confirmed and qualified as such executor, and entered upon the discharge of his duties, took possession of said plantation and the farming implements and utensils of husbandry, but before he could pay the sums of money devised by the will of Porche, he also—to wit, in 1863—departed this life.

That said Bara left a will, which was duly probated on the fifteenth day of June, 1863, in the court having probate juriction in said parish of Pointe Coupee.

By his said will, Bara appointed the complainant, Jules Labatut, his universal legatee and testamentary executor. In said will the said universal legacy was specially devised to the said Labatut, with the charge and on condition that he should pay and execute all the legacies bequeathed by the will of said Porche.

That said Labatut was duly appointed and confirmed as testamentary executor of the will of said Porche, and also of the will of said Bara, and was duly qualified, and letters testamentary in both of said wills were delivered to him.

That said legacies have not been paid or discharged, and in this respect said wills have not been executed, and said Labatut still remains such executor. That neither said Porche nor Bara ever married, and neither of them left lawful descendants or ascendants.

That on the twenty-ninth day of November, 1861, the defendant Prewett received on the law side of this court a judgment against Labatut, in his individual capacity, for $1701 and interest, and the said defendant, the Northern Bank of Kentucky, on the first day of January, 1862, received a judgment against said Labatut, also in his individual capacity, for $6253 50, with interest; that the causes of action in which said judgments were founded were individual and entirely disconnected from both said estates.

That writs of fieri facias were issued on said judgments on the twenty-first day of January, 1869, and were levied by the United States marshal on said plantation and its appurtenances, the property of said estates. That the successions of Porche and Bara have never been fully administered, but are still in the course of administration by said Labatut as executor, and are still subject to the orders of the probate court.

That said Labatut has never been put in possession of said successions, or either of them, in the capacity of universal legatee, but was in possession of said property, at the time of seizure, solely in his representative capacity as executor, holding the same under the orders of said probate court for the purpose of executing said will.

That said Labatut is heavily in debt and unable, out of his own means, to discharge said legacies, and the only mode by which said legatees can ever expect to be paid their legacies is out of the property seized by the marshal as aforesaid.

That the United States marshal had given notice that by virtue of pluries writs of fieri facias in said judgments he would proceed to sell said plantation with the stock and appurtenances thereof.

The bill is filed by Jules Labatut, the said executor, and by a part of the legatees mentioned in the will of Zenon Porche, whose legacies amount in the aggregate to $56,000. The other legatees are not parties. The bill prays for an injunction restraining the marshal from proceeding to sell said property, and for other special and general relief.

In July last a preliminary injunction was granted. The cause now comes up for hearing upon a motion to continue the preliminary injunction, and upon a demurrer to the bill of complaint.

The ground of demurrer is that the bill does not state such a case as entitles the complainants to the relief prayed.

In the argument it is alleged as a fatal defect of the bill that a part only of the legatees named in the will of Porche, and not all, are made parties complainant. It is said that were there to be a decree in favor of the defendants, the other legatees who are not parties could file another bill and take out another injunction, and so keep up an endless litigation.

There would be much force in this objection were it not for the fact that the testamentary executor is a party complainant, and he may be well said to represent the interest of all the legatees.

On these authorities we reach the conclusion that while the legatees under the will of Porche may be proper, they are not necessary parties to this bill; that they are fully represented by the testamentary testator, and whether parties or not would be bound by the decrees in the case. The objection that the bill is defective for want of necessary parties is therefore untenable.

In reply to the objection that the statements of the bill are too vague and uncertain, it is sufficient to say that if all the facts averred are true, they make out a case, if the law, as claimed by the complainants, is proved for them.

Was the possession of Labatut a possession as universal legatee or as executor. Did he take the property as legatee and become the debtor of the legatee named in the will of Porche, or did he take as executor and trustee, holding the estate to be administered for the benefit of the legatees?

The case of Bird vs. the succession of Mrs. Jones (5 Annual, 643) is relied upon by complainants as decisive of this case.

In order to vest the succession in a universal legatee, so as to make him the debtor of the legatees and creditors of the succession, there must be some deliberate act on his part showing a purpose to take possession as legatee. "Nobody can be compelled to accept a succession in whatever manner it may have fallen to his share." Code of 1868, page 160, article 71.

And where a testamentary executor takes possession as such under the appointment, or by the authority of the probate court, the fact that he is also universal legatee does not change the character of his possession.

When one who is executor and universal legatee under a will takes possession of the estate as executor, he will not be regarded as having possession in his capacity of legatee; nor can he, without judicial authority, change the nature of his possession. Bird vs. succession of Jones, 5 Ann., 643.

Under the averments of the bill, I am constrained by these authorities to hold that Labatut holds possession of the succession of Porche and Bara as trustee, and not in his individual right; that he is bound to administer the successions so as to execute the provisions of the wills of the testators; that this trust property can not be taken from his hands and diverted by his creditors from the objects of the bounty of the testators to the payment of the individual debts of the trustee.

I decide the nice and difficult questions presented by this motion, and arising under the local jurisprudence of this State, with much diffidence, but as at present advised, I think it is my duty to continue the injunction heretofore allowed, and to overrule the demurrer.

United States District Court—In Bankruptcy.

In the case of John Osborne, the facts in the petition were pronounced true, and the "simulated and fraudulent sale," first, of a tract of land in Rapides; second, a part of the back concession of the foregoing tract; third, 1225 30-100 acres in township two, range one, southwestern district of Louisiana; fourth, all of section fifteen on the west side of Bayou Latanie; fifth, the interest in certain lands purchased from the estate of Phelps at sheriff's sale; this sale between Osborne and Mary L. S. Duval, widow of William H. Osborne, was declared void and annulled, and the assignee is ordered to cancel all mortgages, liens and privileges standing against the property.

In the matter of Louis Spreen the Recorder of Mortgages of Orleans was ordered to cancel all mortgages in the name of Spreen in his certificate of the seventh of March.

The Sheriff, in the case of W. H. Wells, is ordered to surrender all the furniture of the tug Quaker to the custodian, and also the sheriff of Jefferson is ordered to surrender 2555 barrels of shells.

Property seized by the Sheriff in the Davis & Jackson bankruptcy is ordered to be surrendered to the assignee.

Time to advise was taken in the suit of C. T. Buddecke against J. P. Becker.

Sixth District Court.

Marie Finley vs. Board of School Directors.—Plaintiff, a school teacher, sued for her salary, for being dismissed without cause. Alluding to what is known as the late school law, the court said: It first provides a parish board of school directors for each parish, and for each ward what is called a district board of school directors. Which of these two is answerable for the debt of the educational system, I do not know—the act does not say. I have, however, come to the conclusion that it was intended the board of ward school directors should be those immediately responsible and should have the immediate care of the schools, under the control of the city board of school directors. The ward boards are constituted corporations, given power to sue and be sued, to receive money and hold property. I am, therefore, of opinion the plaintiff must sue the ward board of directors for her salary; and the present suit must, therefore, be dismissed.

Duncan F. Kenner vs. the Sheriff of the Parish of Orleans—Injunction to prevent the Sheriff from selling certain property seized for taxes.—It appears that the property upon which this tax was levied was confiscated by the United States government and sold under the confiscation law, the proceed received by the United States marshal and a distribution of them made. The testimony of the United States marshal shows that he paid out of the proceeds the very taxes sued for by the city in this case. It is therefore ordered that the injunction issued be made perpetual.

Jacob Newhausen and Frank Antenkolk, claiming to be the owners of certain property on Orleans street, have entered suit against the city for $5000, alleging that the digging by the city of the drainage canal on that street, from Bayou St. John to the Metairie road, has damaged said property by excavations and deposits of water, mud, etc., to such an extent as to render it valueless, and, therefore, the city should be compelled to make good the loss which has been occasioned by its acts.

Eugene Staes vs. the city of New Orleans.—In this case the plaintiff sued the city for salary as recorder of the Second District, claiming that he was elected in April, 1870. It appears that in 1871 one of the city Administrators originated a "proceeding" at a meeting of the Council, under which Staes was ejected from his office by a majority vote. The court, in passing upon the case, said:

The plaintiff was not removed under a resolution or ordinance, for it was thought by the Council that that form would be objectional, as the Mayor might interpose his veto. Therefore they adopted the "proceeding" to get over the veto, and by this means Mr. Staes was removed.

The question arises whether the Council had a right to remove the recorder. Counsel for the city contended that under the eighth section of act of 1871, amending the act of 1870, under which the new city charter was framed, gives the Council the power to remove all city officers, except the Mayor and Administrators. The plaintiff, on the other hand, claimed that the recorder was not included as one of those officers subject to removal by the Council under the act.

I have carefully examined the acts of 1870 and 1871 to find out whether the officers removable at the pleasure of the Council include the recorders. To my mind, the recorders are, to some extent, judiciary, and it could not have been the theory of the State constitution to subject the removal of judges to the appointing power. They may only be impeached or addressed out of office, but even then not without cause and a trial. This "proceeding" was neither.

The city officers over whom the Council has control are simply those whose duties are left to the regulation of the Council, such as department clerks, etc., and this is borne out by the language of the act, which stipulates as to the extent of contracts allowed to the power of the Council.

It would be simply nonsense to suppose that the Legislature intended to give the Council the power of making contracts with recorders. The power applies only to the officers whose existence depends upon the will of the Council. In the case of Kreider, Mayor of Jefferson, vs. the Governor, the Supreme Court decided that the Governor has no right to remove without cause or at pleasure an officer who was controlled only by the charter of the city.

The "proceeding" was illegal, and the plaintiff is entitled to judgment for his salary.

The case of the State against the New Orleans Gaslight Company was up for trial recently.

In this case Attorney General Belden (with whom is associated Alexander Walker) sues for the annulment of the act of the Legislature of 1860, under which this company claims an extension of its charter for twenty years.

The ground of this suit, which is brought in conformity to a resolution of the House of Representatives of 1871, is that the object of the act is not indicated in the title, which is simply that of an act to extend the area of gas lighting in the city of New Orleans, and to reduce the price paid by gas consumers; that such an act conflicts with the provision of the constitution requiring "every law enacted by the Legislature to embrace but one object, and that shall be expressed in the title."

The defense puts this question at issue, and avers that the defendant acquired a right of contract and a vested interest which can not be impaired without violating the constitution of the United States.

Eighth District Court.

In this court J. O. Nixon has filed a petition setting forth that having obtained from the Legislature an appropriation under act No. 32 $50,331 46, as public printer, he assigned his claim to Solomon & Simpson, who brought suit against the Auditor to recover the same, but that the same was decided in favor of the Auditer. Petition then goes on to say: That plaintiff was not cited nor made party to said suit, yet the court *aiqua* and on appeal proceeded and gave judgment, not only refusing the demand of relators, Solomon & Simpson, but pronouncing act No. 32 of 1871 null and void.

The plaintiff was and is the real party in interest in the appropriation in act thirty-two, and by reason of said judgment he has been deprived of his property without a hearing, and that the court *a qua*, and on appeal, exceeded the authority of law as well in pronouncing judgment against petitioner without a hearing as in decreeing the nullity of a legislative act without a direct action on the application for a writ, the effect of which can only be to determine as to the performance of some specified act—to prevent a denial of justice.

The petition closes with a prayer that all parties to the previous suit (State ex rel. Solomon & Simpson vs. James Graham, Auditor,) be cited to answer, and that there be judgment in favor of petitioner, decreeing the judgment entered in that suit null and void, and that act thirty-two be adjudged to stand as on the day of its passage.

Louisiana Lottery vs. Havana Lottery—Louisiana Wins.

The several cases of the Louisiana Lottery Company vs Bornio, Gonzales and Desforges, on a rule taken by plaintiff to show cause why defendants should not be punished for contempt in selling Havana Lottery tickets in disobedience of an order of injunction issued from this court, came up yesterday, and resulted in the defendants being ordered to confinement in the Parish Prison for twenty-four hours, and each to pay a fine of $50.

Southern Patents.

Messrs. Jenkins & Olmstead, solicitors of American and foreign patents, No. 27 Commercial place, officially report to the REPUBLICAN the following complete list of patents granted Southern inventors for the week ending March 26, 1872:

Louisiana—Hannibal S. Blood and Carson Mudge, New Orleans, derrick; Joseph M. Lowenstein, New Orleans, deodorizing and fertilizing compound.

Texas—Elihu E. Coy, Longview, road scraper.

Tennessee—Robert G. Pine, Memphis, photo-engraving on metals; George J. Kinzel, Knoxville, machine for straigtening railway rails.

Kentucky—James R. Cole, Paducah, writing apparatus for the blind.

The Black Crook.

We congratulate our readers on the treat in store for them shortly at the Academy of Music, and we can also assure them that this popular spectacular drama will be produced in a style of splendor such as we have not seen for many a day. It is now being played with immense success in all of the principal cities in the country. In Boston it is estimated that upward of one hundred thousand of delighted auditors have testified to its manifold attractions during the last three weeks, and its resplendent scenes and legion of novelties, even now, is the talk of the city. It has had a most unprecedented run wherever it has been produced, and we predict for Manager Bidwell a flattering return for his trouble, expense and energy in the production of the Crook at his theatre.

A Missouri paper records the shooting of a man who was carrying off a rope "with a horse attached to the end."

SPECIAL NOTICES.

New Orleans Credit Foncier Association. Office No. 46 Old Levee street.—New Orleans, March 30, 1872.—Subscribers to the capital stock of this company are hereby notified that the FOURTH INSTALLMENT of ten per cent will be due, payable at the office of the company, on WEDNESDAY, April 10, 1872.

By order of the President.

mh31 tap10 A. SAULET, Secretary.

Notice to Consignees.—New Orleans, Jackson and Great Northern Railroad Company, Freight Department, New Orleans, March 31, 1872.—In order to facilitate the prompt and correct delivery of freight received at this station, all notifications of arrival of said freight, except cotton, must be indorsed by the consignee.

mh31 1w S. A. BURKE, Freight Agent.

Metropolitan Loan, Savings and Pledge Bank, No. 14 Camp street, New Orleans, March 1, 1872.—By resolution of the Board of Directors this day, an instalment of TEN PER CENT (making fifty per cent) upon the capital stock of this bank was called for, payable on or before the first day of April, 1872.

T. D. VAN BORN, Cashier.

mh9 1m eod

Office of the New Orleans, Jackson and Great Northern Railroad Company, New Orleans, March 20, 1872.—An election for eighteen Directors of the company will be held at the office of this company, on Camp street, opposite Lafayette square, on MONDAY, April 15, 1872, from nine to three o'clock—provided a majority of the stock is represented at said election—but if a majority of the stock be not then represented, the election will be held on MONDAY, April 22, 1872, at same hours and place.

R. S. CHARLES, Secretary.

mh23 td

Office of Louisiana Levee Company—No. 30 Carondelet street.—In accordance with a resolution of the board, of this date, stockholders of this company are hereby notified to comply with the following calls for installments, viz:

Seventh of fifty cents per share, on March 20.
Eighth of fifty cents per share, on April 10.
Ninth of fifty cents per share, on April 25.
Tenth of fifty cents per share, on May 10.
Eleventh, and final call, of fifty cents per share, on May 25.

On payment of which certificates of full paid stock will be issued.

THOMAS I. DIX, Secretary.

mh21 tmy25

Office of the New Orleans, Jackson and Great Northern Railroad Company, New Orleans, March 20, 1872.—Public notice is hereby given that the regular annual meeting of the stockholders of this company will be held at their office on Camp street, opposite Lafayette square, on MONDAY, April 8, 1872, in conformity with the charter.

mh21 R. S. CHARLES, Secretary.

Office of the Louisiana Levee Company. No. 30 Carondelet street.—The annual election for Directors of this company for the ensuing year will be held at this office on SATURDAY, April 6, from 10 A. M. to 2 P. M.

In accordance with the charter, the books for transfer of stock will be closed on SATURDAY, March 16.

Holders of old certificates of ordinary stock are notified to present them for exchange for new certificates, otherwise they will be debarred from voting on their shares.

By order of the Board.

mh13 tap6 THOMAS I. DIX, Secretary.

Batchelor's Hair Dye.—This superb hair dye is the best in the world—perfectly harmless, reliable and instantaneous; no disappointment; no ridiculous tints or disagreeable odor. The genuine William A. Batchelor's hair dye produces immediately a splendid black or natural brown; leaves the hair clean, soft, beautiful; does not contain a particle of lead or any injurious compound. Sold by all druggists. Factory, No. 16 Bond street, New York.

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U. S. MARSHAL'S SALES.

Frederick Raichle vs. Steam Towboat Quaker.

IN THE UNITED STATES DISTRICT COURT, DISTRICT of Louisiana