

THE NEW ORLEANS BEE

Established as L'Abeille de la Nouvelle-Orleans Sept. 1, 1827. Printed Daily in French and English. NEW ORLEANS BEE PUBLISHING CO., LTD., Publishers.

Rates of Subscription: Delivered by carrier in New Orleans for the month \$1.00; by mail outside of New Orleans per year \$5.00; by the single copy 5c; 1 foreign countries per year \$7.00; Sunday edition alone, by the year \$2.00; Sunday edition to foreign countries, by the year \$3.00.

Entered as second-class mail matter, at the Postoffice at New Orleans, La., under Act of March 3, 1879.

Office, 520 Conti St. Telephone Main 3437

A PARALYZED SENSE OF JUSTICE

In directing the district attorney to nullify the remaining indictment at Monroe against former sheriff John P. Parker, Jr., after the latter had been tried and acquitted on another, Judge Dawkins used the following strong language:

It will be worse than a farce and a mockery to try this case at this time. Our sense of moral justice is paralyzed. The state will have to dismiss the case for I will not try it under the circumstances.

In this statement Judge Dawkins also said the political conditions were such in Monroe, that they entered into civic affairs to such an extent that "to convict any man for a serious crime under the conditions that exist here would be a travesty."

It would be pleasing to be able to center the blame for this state of affairs upon Monroe or Ouachita parish, but as a matter of fact any principal parish officer in any country parish may steal at will from the State or the parish if he is only prepared to put the money back when he is found out.

This is amply proven by the long list of defaulting sheriffs in Louisiana, during the past twenty years, not one of whom as far as we recollect having been convicted and punished. If an officer is recreant to his trust, all he needs to do is to keep out of the way for awhile until public talk subsides, arrange matters with his friends, return home and receive a coat of whitewash from a jury of his constituents. Sometimes it is not even necessary for him to return the missing money.

With this state of the public mind prevailing in Louisiana generally, in the case of Parker, his son, George, committed to the State Penitentiary, the court should have no legal jurisdiction upon them; nothing to keep them honest, but their own rugged moral fibre.

These remarks are not specially aimed at the Sheriff Parker case. The innocence of the latter has just been determined by a Ouachita parish jury, despite the sheriff's disappearance and sojourn for nearly two years beyond the reach of the law, concurrently with the announcement that a large sum of money belonging to the state was also missing. The remarks of the judge however call attention to a state of affairs that is general in the Louisiana parishes. In calling attention to it, the court performed an unwelcome and unpopular duty and will probably pay for it when election time rolls around again.

The Anglo-French commissioners are falling into raptures over President Wilson this week. M. Viviani, head of the French commission remarked that he is one of the greatest persons in history, and that his name is on the lips of every school child in France. Minister Balfour, leader of the British delegation, after talking to the president for forty five minutes, said that his entire trip was fully justified by that meeting alone. The president, however, is not going to let his head swell over these compliments. When you are hard up, you must have money, and have little more than moral security to offer. The banker friend who agrees to help you out looks like a relation of the Angel Gabriel -- that is, he would look so if you ever met such a person. President Wilson certainly should look good to the visiting statesmen. Isn't he going to lend them two billion dollars of our money, on a promissory note, at three per cent a year?

State Highway Engineer Buie sees trouble ahead for the road toaking parishes of Louisiana on account of car shortage and the war demands on the railroads. This is another point at which a waterway system would be useful to the people, if the congressional demagogues had permitted us to have one.

Beware of beans as an article of food until the spring gardens begin to produce. Just now they are more expensive than meat, according to the food experts. If this thing keeps up a demand may yet be created for carrots.

The vote of congress may be construed as an invitation to Hon. T. Roosevelt to help himself to the bees.

SHUN FOOD WASTE BY FIRE

State Fire Marshal Campbell in a circular recently issued, calls public attention to the need of increased vigilance against fires in view of the need of conserving all food supplies.

As he states, Louisiana wastes three million dollars annually by fires, most of which are preventable and due to carelessness. The destruction of food, at this time, is a loss that money cannot replace. Special care should be taken against fire in all wholesale and retail establishments where food is stored.

Every day we read of fires in elevators or warehouses where great quantities of food are stored. Last week, for instance an elevator in New York was burned with 200,000 bushels of wheat. In the present situation, this may easily mean that some people will go hungry on account of this destruction.

Mr. Balfour, head of the British war commission, as the foremost standpaller in England, should have a gay old time over here with Uncle Joe Cannon and Elihu Root.

LOUISIANA CONDENSED.

All of Lake Charles "spy" suspects have been released.

The Louisiana Bankers association in session at Lake Charles elected L. O. Broussard, of Abbeville, president.

The completion of the Hornbeck high school has been delayed on account of non-arrival of materials.

Merryville citizens have wired Congressman Lazaro, favoring the selective draft.

Thibodaux offers Sunday excursionists the use of a new \$10,000 park.

Stella Englin, a negro woman of Rayne, attacked a mother and her baby while insane, with an ax and a spade, but injured neither seriously.

O. S. Williamson, an escaped Mississippi convict, was captured near Floyd and lodged in jail.

The negroes of Lukeville had a flag raising this week.

Three white boys—two of them nine years old and one seven years old—are in the hands of the juvenile court at Alexandria for robbing Rev. W. H. Coleman's study of a gold watch and a fountain pen.

The Welsh Oil corporation, capital \$36,000, H. Boling president, has been organized to develop holdings in the Welsh oil field.

John J. DeLoach, a negro, has appropriated \$1,000 from the State Penitentiary on April 6.

A naval recruiting party, headed by Chief Boatswain Quirk is making a campaign at Donaldsonville.

Charles Victoriano, sentenced to die Thursday, has been granted a sixty day reprieve. Victoriano was convicted of the murder of a Chinaman.

The Nitro Rice Mill Co., has been formed at Gueydan, to operate a rice mill now building.

Henri Gueydan is president and Leon Locke secretary.

Two large tracts of reclaimed land near Gueydan are being planted in rice.

Former Sheriff Jack Parker of Ouachita has been acquitted at Monroe of a charge of embezzlement from the state.

East Carroll parish, at a special election Tuesday, voted \$100,000 bonds for good roads.

S. W. Barksdale, a farmer and railroad man of Hattiesburg, Miss., was found murdered near Clayton. No clue to the murderers has been found.

President Townsend of the Mississippi railroad commission told Red Stickians that there are no prospects of a flood this year.

Lake Providence Daughters had an elaborate celebration of Confederate Memorial day Thursday. The date was advanced so that the crews of the destroyers Worden and McDonough could participate.

Chairman Thomas of the Board of State Affairs told the bankers convention Thursday that the assessment of Louisiana should be two or three times what it is.

The Monroe Chamber of Commerce has inaugurated a food production campaign.

James McKelwee has been arrested at Pioneer in connection with the killing of Emory Carr.

Jack Burns, a negro who attempted an assault upon a white girl near Minden, has mysteriously disappeared and is supposed to be dead.

While attempting to arrest three negroes, Sheriff Campbell of Concordia parish and Sheriff Creech of Franklin county, Miss., were shot and slightly wounded at Amite, Miss. The negroes escaped.

Two dipping vats were dynamited near Starks, Calcasieu parish, this week. The vats will be rebuilt and guarded.

Dr. J. H. Dew, a Baptist evangelist, will begin a series of revival meetings in Mansfield Sunday.

District Attorney Lyles has stirred DeSoto parish from center to circumference by filing informations against 1928 men for failing to pay the parish road tax.

FAVORS GRANTING RIGHT OF WAIVER FOR LOANS FROM FARM LOAN BANK

Editor of The Bee: The discussion of what is commonly called the "Widow's Homestead" and in recent newspaper articles the "Widow's Dowry," though it is neither, has risen into great importance by reason of the statement that the Farm Loan Bank would make no loans to farmers in Louisiana whereby any provisions of the law on this subject would affect the rank of the mortgage or cause to be reduced the amount to be covered thereunder. The law was adopted in 1852 by Act No. 235, and has been construed in the courts as written so as to prime all other claims against the debtor's property. "Except those for the vendor's privilege, and expense incurred in selling the property." The decision regarding the last exception originally restricting it to the expenses of selling the property, properly speaking, has been extended so as to now include cost of court, appraiser's fees, notary's fees, attorney's fees and commissions of administrator or executor, which also have been held in many cases to outrank the vendor's privilege. In the Success of Coyle, 26th Louisiana Annual Reports, page 166 (1877) the Supreme Court held that this privilege ranked the vendor of movables.

The law was carried into the Revised Civil Code of 1870 where it now bears the number 352. In the Succession of Justus, 45th Annual, 725, the last decision rendered by the late Chief Justice Bernard, upheld arguments in discussing the similarity of and the difference between the marital fourth and the amount allowed the widow by the law now under discussion, held that the latter only applied in insolvent successions; the Court of Appeal for the parish of Orleans, Fourth Court of Appeal, page 21, held that it applied to any succession, solvent or insolvent, where the widow and minor children would not receive from the succession sufficient with what they already had to make one thousand dollars. It will be noted in this communication that one thousand dollars is not absolutely allowed to the widow and minor children, but only sufficient to make up one thousand dollars should they or any of them have other property, and insurance collected on the death of the husband. The law was applied in the Succession of F. A. Monroe, while presiding in the Civil District Court, held the damages recovered by the widow for the death of her husband were to be deducted from this one thousand dollar claim, though I do not find that that question was ever passed upon by the Supreme Court. Whether the law should be repealed or not I do not think is open to serious discussion, nor do I believe the General Assembly will ever repeat it in toto; if it is found that the law is so far in the way of the successful operation of the Farm Loan Bank as to justify legislative action provision should be made for the waiver of the right so that the wife, or if she be dead, the representative of the minor children or the mortgagor should be consulted and determine whether or it be better that a mortgage should be made in favor of the Farm Loan Bank or the widows' and minors' claim be left as the law has left it.

Public opinion is rapidly crystallizing on the proposition that the wife should be consulted when community property is sold or mortgaged. The Constitution of 1898 in establishing a homestead exemption provided that it might be waived either generally or specifically by a written waiver recorded on the mortgage books, in whole or in part, with the consent of the wife of the owner of the property entitled to the homestead; and by Act 170 of 1912, Article 2334 of the Civil Code was amended so as to make the earnings of the wife when living apart from her husband or "when carrying on a business, trade, occupation or industry separate from her husband" and the property purchased with all funds so derived her separate property; and further provides that "when the title to community property stands in the name of the wife, it cannot be mortgaged or sold by the husband without her written authority or consent."

Previous to 1902 an action for personal injury to the wife was a community asset, and the avails of such suits community property, and the wife was not even a competent witness in such a suit because under the law she could not be a witness for or against her husband.

By Act 68 of 1902 the law was amended so as to make such action the separate property of the wife, and this amendment was carried into the Act of 1912, above referred to.

Therefore, it seems to me that if the General Assembly should take any action in this matter it should simply add to the law as it now exists a provision reading about as follows:

"Provided, however, that the right to claim the amount allowed under this article may be waived in advance in favor of any mortgage creditor by the wife of the mortgagor, which waiver shall bind her and all minor children of the deceased by her, whether born at the time of the waiver or afterwards, and should after such waiver the mortgagor marry again said waiver shall be valid as against his subsequent wife or wives and any children subsequently born to him. If the wife of the mortgagor be dead or divorced from him and he has any minor children living at the time of the mortgage, their right to claim under this article may be waived by their unduly tutor having authority so to do by any court of jurisdiction; or if there be no unduly tutor an unduly tutor ad hoc shall be appointed by the court to apply to the court for authority to make the waiver. And the same procedure shall be required should the mortgagor have any living minor children of a marriage preceding the one existing at the time of mortgage."

In the proposed revision of the Civil Code presented to the General Assembly in 1910 it was provided that community property could not be sold or mortgaged without the wife joining in the act, and I believe this provision should now be enacted into law; the Act of 1912 applying this principle where community property stands in the name of the wife was prepared by Mr. R. E. Milling and myself, who were members of the Civil Service Commission. Very truly yours, W. O. HART.

CIVIL DISTRICT COURT

George H. Magner vs. Fairchild Motor Car Co., Inc., claim, \$1,500; Louis A. Beugnot et al. vs. Mrs. Eugene Alexandrine Beugnot, widow of Leon V. M. Beugnot, et al., partition; General Accident Fire and Life Ins. Corporation, Ltd. of Perth, Scotland, vs. Luke S. Boudreaux, claim, \$315.40; Mrs. Francis Brown vs. Carlin M. Brown, husband's separation bed and board; Heirs of Lacoste vs. Unknown Owners, et al., cancel paving inscription; Ella Williams vs. City of New Orleans, injunction; Gromo Chemical Co., Inc., vs. Noedham M. Powell et al., injunction; Knute Olsvick vs. Gulf Coast Plantation Co., et al., attachment, \$4,500; German-American Specialty Co. vs. Pelican, Cracker Co., claim, \$207.92; M. Naidis & Co. vs. J. E. Itzkovitch, claim, \$187.85; Tutorship of Milton James Wynne.

Succession Mrs. Peter A. McInlyre, known as Anne Casey McInlyre.

OF COURSE, THIS DOES NOT APPLY TO PRESENT DAY PROFESSIONAL MEN

In an old book which I chanced to find on the dusty shelves of a second-hand book store, there occur passages that have struck me as being replete with good sense. The author's name does not appear on the title page.

In the passage which I transcribe some advice is given by an old man, presumably to his son, in reference to the choice of a profession. The advice reveals a great knowledge of the human heart. These are his words:

"Yes, me boy, all professions have their worth and utility, and the profession of the law the more so, perhaps, than the others. Your desire to adopt that profession is, therefore, a laudable one, for when it is practiced with an upright and virtuous heart it exalts the soul. The lawyer should be a shield of protection to the widow, to the orphan and to the persecuted; he should be the champion of fright against wrong, of justice against injustice. Unfortunately, me boy, the calling of the lawyer is not always exempt from practices that cloud its purity and destroy its usefulness. But man, you know, is not an angel. In the struggles of this life, some men have not the will-power to face its turmoil; and perhaps with a pure and determined heart, and in order to reach the goal of their ambition they use means not exactly in line with the maxims and precepts of the gospel. They use devices with which to compensate their lack of intelligence, and they forge their way to a secure haven, by their boldness and impudence. Now, me boy, my remark applies equally to all professional men, whatever may be the importance of their callings. For this reason, me boy, some professional men nowadays will reach the top notch of their professions, not that they are more intelligent and worthy than their competitors, but because they have a larger dose of effrontery in their hearts."

"Therefore, it is, me boy, that to succeed in his profession one must not be too modest and retiring. The time is no more when generals were taken from the plow to be placed at the head of armies, and a Cincinnatus would fare poorly in our days, whilst a Cato would be an amusing ninny."

"Nor is it necessary that he should have the learning of a Bacon. Things have assumed a different shape and aspect, and the talents and virtues of this world would be of no avail to the professional man if he veiled them with the cloak of modesty and of simplicity."

"To succeed one must be obtrusive and flashy. Lack of brains is no obstacle to success, provided one be loud of voice and has a certain amount of brass instead of gray matter in his skull. Without those two distinctive traits nobody will notice him, how talented soever he may be."

"One must attract the notice and admiration of the people by his clamors. If he stays ensconced in his office, delving in books in search of lore, who will care to see him there? He will be likened to a spider in its web. He will be regarded as deeply in oblivion as if he were dead."

"No, me boy, the professional man must stand at street corners. He must greet every passer-by with an everlasting smile. He must grasp eagerly the hand extended to him, and in time even those that despise him in their hearts will come gradually to look upon him as a good fellow after all. It matters not that he be as void of sense as an empty barrel. If he is noisy and

flashy he holds a winning card in the world's game, for this is the hinge on which turns all worldly success. "No creature, me boy, is more despised than the donkey. Wherever he goes he is pelted with stones and driven away ignominiously. If, perchance, he opens his mouth and brays everyone stops his ears, horrified with the unearthly sound. But let that donkey, well clipped and carried, be paraded with trappings and housings of gold on our most fashionable street, why, me boy, there is not a man, woman or child in that portion of the town that will not run to the sidewalk to see a donkey so elegantly caparisoned. If, perchance, the donkey, in his exaltation at being treated with such distinguished honor and admiration, brays aloud to express his lively joy, why, me boy, every one will laugh outright at this explosion of his good nature, and enjoy the song of the Arcadian nightingale."

"Is not the clown the hero of the circus, me boy? Why should not our society clowns be admired likewise? This world is an immense stage on which each one of us performs his part, and it is undeniable that the clowns are the most admired characters on the stage. "The peacock is more stupid perhaps than the goose, and yet what bird in the poultry yard will hold compare with him. When it spreads its tail with rainbow hues who will not forget its stupidity and stare with gaping mouth at its flashy appearance?"

"It comes to this, me boy, that nothing attracts more the attention of the masses than flashy exhibitions, noisy outbursts and clownish performances. Very few people indeed will extol and admire the virtues that enoble man, when these are practiced in the shade of a modest retirement. The human family, you must know, is composed of three different classes: the class of fools and of clowns, the largest of the three; the class of the unthinking, who care for nothing that does not affect them directly, and who are driven to the right and to the left by what is termed "public opinion," a cunning device of the few who constitute the third class, they who use the fools, the clowns and the unthinking for their own purposes and advancement."

"When one does not belong to the class of the obsequious, of the flashy or of the cunningly shrewd, he must, of necessity, be included in one of the two other classes, or, if not, he finds himself relegated to the shades of oblivion, where he groges in darkness and dies in despair."

"Therefore, me boy, if you wish to succeed in your profession and reach its top notch be noisy and flashy; be a good fellow in the sense given to that word in the vocabulary of society; for, if you expect to achieve your purposes with the learning of a Bacon, or with the retired modesty of a Cincinnatus step down at once to the last rung of the ladder and die a despairing and starving wretch."

"Betake yourself rather to the plow, and there live obscurely with a pure heart and with the happiness derived from a clean conscience."

"This concludes the advice of the hairy sage to his son, and it is fortunate indeed that his cynical opinion of the professional men of his days is absolutely inapplicable to society, as actually constituted, and to our professional men in this our era of progress and of refinement. — FELIX VOORHIES."

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