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AMUSEMENTS.

ACADEMY OF MUSIC.

ANOTHER GREAT ATTRACTION.

For One Week Only.

Commencing Monday, May 9, 1870,

And performing Every Night and Saturday Noon

THE BERGER FAMILY

SWISS BELL RINGERS,
HARPISTS,
VOCALISTS,
VIOLINISTS, and
CORNET PLAYERS.

For the past three years with the Peak Family,

Assisted by

SOL SMITH RUSSELL,

Character Vocalist, Humorist, and Facial Mimic; A. J. WHITCOMB, America's Greatest Harpist; Miss MAUD STANLY, Vocalist, Violinist and Cornet Player; Professor J. H. GARDNER, Cornet Soloist, and GEORGE H. MARSH, Forming the largest Bell Ringing Troupe in the United States. A Splendid Silver Cornet Band. New Songs, Duets, Quartettes, Instrumental Overtures, Character Vocalisms, Comic Orations, Violin, Cornet and Staff Solos. my7

LOST.

LOST—A LETTER FROM HAMBURG, GERmany, signed by Mrs. M. J. Engels, and addressed to Mrs. M. A. Manning, care of R. M. Fry, New Orleans, Louisiana. The finder will confer a great favor by leaving it at this office. my10 3t

CAME TO MY STABLES NO. 99 ST. Charles street, Sunday, May 8, 1870, a bright bay mare, name from spavin in the right hind leg. The owner can have the same by proving property and paying charges. JOSEPH MADDEN. NEW ORLEANS, May 9, 1870. my10 15 20*

FOR SALE.

FOR SALE—ABOUT ELEVEN THOUSAND ACRES, in different tracts, of the finest sugar lands in the state. A large portion of these lands is covered with magnificent forests of red cypress, and portions are near the river, Morgan's Texas Railroad, and the line of the Chattanooga and Texas Railroad—contiguous to an inexhaustible market for lumber and wood—and are very valuable. The whole, or an interest, will be disposed of at extremely low rates, as the owner is about leaving the state in consequence of ill health. For full particulars apply to Colonel J. W. Nixon, No. 108 Gravier street, no stairs, corner Bank place, between the hours of 9 and 11 o'clock A. M. my6

FOR SALE—CHOICE VACANT AND Improved Properties in the First, Fourth and Sixth Districts of New Orleans.
Lake Shore Properties and Lands on the Jackson Railroad.
SHELBY SEYMOUR, Real Estate Agent, 44 Carondelet street.
my5 7t

A CHANCE FOR EVERY ONE TO GET A HOME IN THE GARDEN (SIXTH) DISTRICT OF NEW ORLEANS.

By paying $100 cash and $160 per month in lieu of rent, forty months you will get a new and beautifully finished two story house with two lots, near St. Charles street. The house contains galleries, hall, double parlor, with marble mantle, dining room, three bed rooms, bath room, store room, pantry, kitchen, servants room, wood shed. There are two very large cisterns, supplying bath room, dining room and chambers with water. Marble bowls and silver faucets.

By paying $150 cash and $37 50 thirty-six months, you will get a fine building site, four beautiful lots on Soniate, near St. Charles street.

By paying $250 cash and $45 thirty-six months, you will get a splendid building site, three lots, on Constantinople, near St. Charles street.

By paying $300 cash and $300 in one year, you will get a lot sixty by thirty-five feet, on St. Charles street surrounded by the most elegant residences in this city. Examine and satisfy yourself. It is better to buy than to rent.
J. J. ALSTON, 22 Carondelet street.
my3 6t

FOR SALE—A NEW STEAMBOAT HULL, built and fastened in the best workmanlike manner, expressly for the Red River trade. Her dimensions are:
Length, two hundred (200) feet over all.
Beam, thirty-six (36) feet.
Depth of hold, about seven (7) feet.
Apply at the Lumber Yard of J. H. MASSIE,
ap8 No. 196 Fulton street, corner North Market.

TWO THOUSAND ELIGIBLE BUILDING LOTS AND ONE HUNDRED RESIDENCES, In the Sixth District of New Orleans.

FOR SALE ON EASY TERMS, by J. J. ALSTON,
ap6 1m No. 32 Carondelet Street.

FOR SALE OR FOR RENT—THAT very large property, consisting of two undivided squares, corner St. Charles and Peters avenues, with Nicolson pavement in front, having large dwelling, two large outhouses with servants' rooms and stables, gardener's house, bath house, chicken house, hot house, etc. Will be sold low and a perfect title guaranteed. In case not sold shortly will be rented for a term of years. Apply at 65 Tchoupitoulas street. mh11

FOR SALE—CHOICE REAL ESTATE ON the corner of Poydras and Johnson streets.—A large and eligibly located portion of Ground, with old buildings, sheds, a large number of trees and fine shrubbery therein, in the square bounded by Poydras, Perdido, Johnson and Galvez streets, First District of this city, measuring 74 feet on Johnson street, by a depth, between parallel lines, and a front on Poydras street, of 122 feet 3 inches and 8 lines. Said portion of ground forms the corner of Poydras and Johnson streets, and is well shaded and susceptible of being made the finest place in the neighborhood with very little expense.
Price and Terms reasonable. Inquire of J. W. SHAW, Notary Public, No. 41 Perdido street, up stairs.

WANTED.

1000 MEN WANTED—TO GO TO Alabama, to work on the Alabama and Chattanooga railroad, in a nice healthy country; good wages and good board. For further particulars apply at No. 164 Rampart street (late Circus), near Poydras. Also, wanted three women as cooks in private families in the country; two men and their wives wanted for the country. Those in want of servants for the city or country will please call and leave their orders at No. 164 Rampart street. Post-office box 792. my10 1t*

WANTED—A SERVANT TO COOK AND do house work, at 320 Bienville street.
my10 3t*

WANTED—A GOOD COOK, WASHERwoman and house servant. None but first-class servants need apply. Address No. 338 St. Charles street. my10

SMALL HOUSE WANTED.—ANY PERson having a small Dwelling House, of three or four rooms, to rent, will find a regular and prompt paying tenant by leaving directions at this office, addressed to T. I. The location must not be more than eight or ten squares from Clay Statue, and there must be a good yard. my8 tf

WANTED.....WANTED, A RESPONSIBLE TENANT, to occupy a pleasant Cottage House in the Fourth District, convenient to market and cars. Will be rented furnished or unfurnished. Terms moderate. For particulars, address "L. L. L.," at this office. my8 1t*

WANTED—A WOMAN TO COOK, WASH and iron; also a House Girl. Recommendations required. Apply at No. 110 Race street.
my7

WANTED—AGENTS—$75 to $200 per month, everywhere, male and female, to introduce the GENUINE IMPROVED COMMON SENSE FAMILY SEWING MACHINE. This Machine will stitch, hem, fell, tuck, quilt, cord, bind, braid and embroider in a most superior manner. Price only $18. Fully warranted for five years. We will pay $1000 for any Machine that will sew a stronger, more beautiful, or more elastic seam than ours. It makes the "Elastic Lock Stitch." Every second stitch can be cut, and still the cloth can not be pulled apart without tearing it. We pay agents from $75 to $200 per month and expenses, or a commission from which twice that amount can be made. Address SECOMB & CO., PITTSBURGH, PENNSYLVANIA; BOSTON, MASSACHUSETTS, or ST. LOUIS, MISSOURI.
CAUTION—Beware of all agents selling Machines under the same name as ours, unless they can show a certificate of agency signed by us. We shall not hold ourselves responsible for worthless Machines sold by other parties, and shall prosecute all parties either selling or using Machines under this name to the full extent of the law, unless such Machines were obtained from us or our agents. Do not be imposed upon by parties who copy our advertisement and circulars and offer worthless Machines at a less price. ap29 3m 1 aw

AGENTS WANTED EVERYWHERE to sell the AMERICAN KNITTING MACHINE, the only practical Family Knitting Machine ever invented. Price $25. Will knit 20,000 stitches per minute. Address AMERICAN KNITTING MACHINE COMPANY, Boston, Massachusetts, or St. Louis, Missouri. ap23 m1 aw

SPECIAL NOTICE.

Court, Notarial, Lodge and Association Seals, Canceling Stamps (new style), and Door Plates, neatly engraved. Burning Brands, for cigar boxes, and Stencils of every description. Orders from the country promptly attended to, and forwarded by express. J. P. MURPHY,
Engraver, No. 60 Canal street, near the Post-office, New Orleans, Louisiana. my3

THE DRUIDS' FESTIVAL

MR. SAMBOLA'S SPEECH ON DRUIDS

ENJOYMENTS AT THE FAIR GROUNDS

The Druids of Louisiana held a grand festival on Sunday, commencing with a procession of the various groves, which assembled in Lafayette Square. Thence they marched through the principal streets. Prominent among the citizens who appeared in the procession were George H. Pabst, R. H. Schmidt, Anthony Sambola, George G. Stromeyer, George B. Ebelin, and others too numerous to mention.

They proceeded to the Fair Grounds, where a celebration and picnic were held, the object of which was to raise funds to properly receive the Grand Grove of the United States, which is to meet here in December next. The object was highly successful. The beautiful weather and the popularity of the Druids contributed to make the occasion succeed financially and otherwise. Arrived at the Fair Grounds, the ceremonies were opened by an address by Mr. Anthony Sambola, who spoke as follows:

Ladies, Gentlemen and Fellow-members: I have received with no ordinary pleasure the flattering invitation extended to me to deliver an address on this occasion, but I regret that I feel incompetent to do justice to your wishes, and to dispose in a satisfactory manner the duty which your indulgent kindness has thought proper to honor me with. I shall be brief, for you have not come here to listen to orators and discourses, but to take part in the amusements provided by the committee of this festival.

I am expected, I presume, to treat on the suggestive theme of Druidism, and to answer the question, what is the Druidism of modern times? Why is there such an institution? Why is it so called? and what possible relation can it bear to ancient Druidism?

To answer all this would be to enter into an explanation and defence of modern charitable and beneficial societies. Fortunately, there is no such necessity. They speak for themselves, or rather their deeds speak for them, and they need no defense.

Ask the widowed and the fatherless, the sick and helpless, who have felt their beneficent influence, for a defense, and they will vouchsafe it if necessary. But the voice of public opinion dispenses us from any such task.

Modern Druidism then belongs to the class of secret benevolent societies, and it simply adheres in a portion of its emblematic mysteries to the outline or model of the ancient Druids. These were a priestly sect, to whom was attributed not only the sacerdotal power, but they were conceded to possess much skill and knowledge in medicine and law. Doubtless upon these subjects they had their full share of earthly wisdom, as much, at least, as it was the lot of men in that age to know.

We have adopted their mystic titles, and have associated with their use a private mark intended only to prevent imposition or intrusion by the uninitiated; for we have in associating into this order entered into a compact only with those who have entered and contributed to build up our institution.

The institution of Druidism, which led to the present order, was first proposed in England in 1789 by a Mr. Hurle. He proposed a social and benevolent club of that name, with no concealed secrets or mysteries except those appertaining to the ceremony of initiation and the forms of entrance and recognition. No concealed objects or purposes were ever intended or introduced.

The institution of Druids in England grew with years, at times enjoying great prosperity, and depression at other times. But it always maintained a continuous organization, or rather several of them, for it divided into several separate and independent orders, some of which again reunited. Among the most powerful are the "Order of Druids," with which we are now in union, and the "United Ancient Order of Druids," with which we formerly maintained relations, now unfortunately broken off. There were at one time twenty-seven different orders of Druids in England, but the number is now much reduced by consolidation. Let it not be supposed, however, that its prosperity or numbers have been reduced thereby; on the contrary, the effect has been to make it more powerful than ever.

The transplanting of Druidism in America was by two organizations, one in New York, by English Druids, and one in Baltimore, by Thomas Wildey, an English Druid, and also the founder of American Odd Fellowship. Both these organizations continued or resumed their activity so as to become permanent. That in New York however did not spread; that of Baltimore did, so that it is the germ and founder of American Druidism. In due time a Grand Grove of the United States was formed, controlling now about one hundred and fifty Groves, of which, say twenty-five, are in English, and the balance are German. The latter have contributed great vigor and effectiveness of organization to the society.

Some fourteen or fifteen years have occurred since it was transplanted in Louisiana. Magnolia, Oak, Pioneer and Goethe Groves were formed, and the representatives of these formed on the eighth of December, 1857, the Grand Grove of Louisiana, which still rules over the destiny of the Order in this State, subject to the jurisdiction of the Grand Grove of the United States. Since its organization it has lost Pioneer Grove by dissolution, but it has added other and bright jewels to its casket, such as Mispel, Perseverance, Esperanza, Mistletoe, Orient, Germania and other groves, all of which still exist and contribute to form a compact and powerful jurisdiction to the Grand Grove of Louisiana. The order has spread from here to Mobile, Alabama, and to Holly Springs, Mississippi, and will eventually spread over both of those States, as well as Louisiana, and also to and through the great State of Texas.

So steadfast and faithful have been the Druids of New Orleans, and so regular and well directed their work, that the Grand Grove of the United States has varied for once, its usual time of annual convocation, and agrees to meet with us at a season (the eighth of December next) when it will enable us to give them a handsome as well as warm and heartfelt reception. We wish to do ourselves credit on that occasion—to make it one worthy of us and of them, and our present celebration, aside from their social and festive object has for its purpose to raise funds to defray the unusual expenses which will necessarily be incurred.

But our objects and purposes, as I before remarked, need no defense, and but little elucidation, for I know you, or at least most of you, understand them perfectly. Go on, then, with your happy festivities; let mirth and good feeling abound, and let my already too long address come to a close so as no further to preclude the appropriate enjoyment of the day which has brought us together."

Mr. Sambola was succeeded by George H. Pabst, Grand Arch of the State of Louisiana, who addressed the assembly in the German language.

Mr. Hilzfeld, of Tennessee, a representative from that State in the grand council of Supreme Arch Druids of the United States, was next introduced, and also spoke in German.

The speeches of Messrs. Pabst and Hellzfeld are highly spoken of, and we regret that our crowded columns prevent us from giving a full report and translation. Afterward various sports and pastimes succeeded, the merry base ball playing and a truck race among the firemen, would have taken place, but for an unfortunate misunderstanding, the merits of which we do not know, and which like all similar disagreements, we trust will be soon forgotten.

THE COURTS.

Supreme Court Decisions.

MONDAY, May 9, 1870.

This court yesterday rendered the following decisions:

John Chertang vs. Leon Strong; P. Ramirez vs. J. Gonzalez et al.—Appeal from the District Court, parish of Assumption. Howell J.

The question is whether a twelve months' bond, given by the purchaser of property at sheriff's sale, is prescribed by the lapse of five years.

It is a written obligation to pay to a person therein named absolutely and unconditionally a certain sum at a time specified. The additional stipulations refer only to the remedy or means of enforcement, in case of nonpayment at maturity. It is within the class of written instruments to be prescribed as promissory notes. Judgment reversed and injunction sued out by plaintiff perpetuated with costs.

Juan Garcia y Mora, appellant, vs. G. W. Avery, Sheriff et al., appellees—Appeal from the Fifth District Court of New Orleans, Taliaferro, J.—Ordered, that the judgment of the lower court be amended so as to read as follows: "It is ordered that the injunction herein issued be dissolved, at plaintiff's costs, so that the defendants, Cohen & Nilson, do have and recover *in solido* from plaintiffs Juan Garcia y Mora and Jose Garcia Broras, his surety on the injunction bond, twenty-five per cent damages in the amount of the judgment herein enjoined, and that plaintiff pay costs.

J. Viosca vs. C. A. Weed & Co.—Appeal from Third District Court of New Orleans, Ludeling J. Appeal dismissed.

Crooks & Ministany vs. Mische & Co.—Appeal from the Seventh District Court of New Orleans, Ludeling J. This is a suit on a promissory note, to which no defense has been made. Judgment affirmed, with one hundred and seventy five dollars damages for a frivolous appeal, and costs of appeal.

James Graham, appellee, vs. succession of Nicholas Mayoy, appellant.—Appeal from the Second District Court for the parish of Orleans, Howe J. Judgment reversed and injunction perpetuated, with costs in both courts.

Barbara Hoffman, appellee, vs. John Heit, appellant. Appeal from the District Court, parish of Jefferson, Howe, J. Order of seizure and sale appealed from annulled and plaintiff to pay costs in both courts.

William Gegan vs. Mrs. B. T. Bouman, et al. Appeal from the District Court, parish of Tensas, Howell, J. Judgment reversed, and case remanded, to proceed in according to the views expressed in this opinion and according to law. Costs of appeal to be paid by Duncan, and those of the lower court to abide the final decision.

J. Pinckney Smith vs. J. N. B. Williams, Mrs. M. E. Dorsey intervenor. Appeal from the Fourth District Court of New Orleans. On rehearing, Ludeling C. J.—Ordered that the judgment of this court, rendered thirteenth of December, 1869, be set aside, and that the judgment of the District Court be affirmed with costs of appeal. Mr. Justice Wyly delivered a dissenting opinion.

Julia A. Nutt vs. Citizens Bank of Louisiana. Appeal from the District Court, parish of Tensas. Howell J.—Judgment affirmed.

Succession of Nicholas Markey, on opposition to account. Appeal from Second District Court, parish of Orleans. Howe, J.—Judgment modified and reversed, so far as it dismisses the opposition of James Graham, and said opponent be placed upon the account for six hundred dollars, with interest at eight per cent. from May 21, 1867, and to be paid in preference to all other items of said account, except law charges proper, of which attorney's fees form no part, commissions of administratrix, and actual expenses of sales, and that as thus amended, judgment affirmed, with costs of appeal to be paid by the succession.

Meeker, Knox & Co. vs. Cummings, Brown & Co.—Appeal from Fourth District Court of New Orleans, Howell J.—Judgment reversed, and judgment dismissing plaintiff's demand as of nonsuit.

A. Levy vs. Corkern and wife, administrators.—Appeal from the District Court of St. Helena, Taliaferro J.—Judgment reversed and case remanded, defendants and appellees paying costs.

Frederick Bauer vs. succession of Jean E. Martin. Appeal from Second District Court of New Orleans, Ludeling, C. J., judgment avoided, and judgment rendered against defendants for $606, with six per cent interest on $300 from twenty-seventh of July, 1861, to twenty-seventh of July, 1863, and at the rate of eight per cent thereafter till paid, and six per cent on $300 from the twenty-seventh of July, 1861, to twenty-seventh of July, 1862, and eight per cent thereafter, subject to a credit of $76 75 paid on the twenty second of March, 1867, and for costs of both courts, to be paid in due course of administration.

Board of Hay Inspectors vs. Charles Plessants. Appeal from Fifth District Court of New Orleans. Ludeling C. J. Motion to dismiss overruled. The amount in dispute does not exceed $500; but the defendant alleges that the law under which the plaintiff's right to the imposts originates is unconstitutional. In such a case this court has jurisdiction, whatever sum may be involved. Article 74, constitution.

A. Marquez & Co. vs. Bloom, Kahn & Co. Appeal from Fourth District Court of New Orleans. Howell J. Judgment against A. Levi reversed, and judgment in his favor, with costs in both cases.

Margaret Haughery vs. H. R. Thiberge et al.—Appeal from the Sixth District Court of New Orleans, Howe J. Motion to dismiss overruled, and Lee and others have until the first Monday in November, 1870, to cause the proper parties to be cited.

F. M. Fisk, appellant, vs. Gibbs, Bright & Co.—Appeal from the Sixth District Court of New Orleans. Motion to dismiss overruled.

Adam Trumbull vs. William A. Freret et al. Appeal from the Fourth District Court of New Orleans, Taliaferro J. Motion to dismiss overruled.

Bernard Avegno, appelee, vs. S. Johnson, appelant, B. Merz, subrogated—Appeal from Fifth District Court of New Orleans, Ludeling C. J. Appeal dismissed with costs.

David Grant vs. R. C. Hyatt et al.—Appeal from Fourth District Court of the parish of Orleans. Taliafero J. Judgment affirmed.

Succession of Mrs. Eliza B. Hardesty.—Appeal from Parish Court of East Feliciana. Ludeling C. J. Judgment of the court *a quo* amended by rejecting the demand of the Baptist Church of Clinton, and dismissing the application of St. Andrew's Church, at their costs, and that in other particulars the judgment be affirmed, the appellees to pay costs.

Mary Frances Taylor vs. Henry A. Exter.—Appeal from the District Court of East Feliciana. Ludeling C. J. Judgment affirmed.

The Supreme Court yesterday sustained the decisions refusing the applications for rehearing in all the slaughterhouse cases.

This court also affirmed the decision of Judge Dibble in the Jackson Railroad case, in which H. S. McComb was allowed to bond the certificates of 80,000 shares of stock owned by the city of New Orleans, and purchased by McComb, which were sequestered by the city.

State, etc., ex rel. city of New Orleans vs. the Judge of the Eighth District Court, parish of Orleans. Application for mandamus and writ of prohibition to compel an appeal to be granted from an order permitting H. S. McComb to bond certificates of the city for stock in the Jackson Railroad.

In this case, as will be remembered, the relators sequestered the said stock on the ground that McComb, during the pending of the suit, might remove the certificates beyond the jurisdiction of the court. McComb, who was then practically a defendant in sequestration, moved to bond, under article 279 C. P., and the motion granted by Judge Dibble, who fixed the bond at $300,000.

Counsel for relator insisted that the order to bond was erroneous, and that an appeal lay.

The court said the first proposition might be correct, and the second incorrect, for an interlocutory order, however erroneous, can not be appealed from unless it works an irreparable injury. But the court thought that neither of the propositions could be maintained. Continuing, it said that as soon as the certificates were in the possession of the court, the defendant in sequestration had a right to bond.

It was urged that the certificates were not "property" in the sense in which that word is used in 271 C. P., but are of that class of objects mentioned in article 272 C. P., which declares that "obligations and titles may also be sequestered when their ownership is in dispute," and that the former may be bonded by defendant under article 279, but not the latter.

The court could not assent to this proposition. It said that in either case the conservatory effect of the suit is to compel the possessor, if he wishes to retain possession, to give security in favor of the claimant who demands possession.

The right to an appeal has been settled adversely to relator in the case of State vs. Judge, 14 Louisiana 590, a decision which the court said was founded upon sound reason, and which has been uniformly adhered to. Case of Comstock vs. Pale, 15 Louisiana 481, does not conflict with this view.

In closing the court says: In fact, if the plaintiffs in sequestration were allowed to take property from the defendant, and then appeal suspensively from an order allowing the defendant to bond, the article two hundred and seventy-nine would be nullified. For reasons given the rule granted was dismissed with costs. Howe, J.

State ex rel. J. H. Wilson vs. Judge of Seventh District Court, parish of Orleans.—Application for writ of prohibition. Writ granted, and made perpetual. Howell, Judge. The questions presented in the above entitled case were two, viz: 1. Is the principal in an injunction bond a good and legal surety, if solvent, for his surety therein in an appeal bond, given by the latter when each has taken a separate appeal from a judgment against them in solido, the said principal having given other surety on his appeal bond? 2. Does the suspensive appeal taken by the principal suspend the judgment as to the surety who does not join in said appeal? The court reviewed at length the authorities cited in support of the negation of the first question by the judge a quo, 18 A. 659, and 12 L. 383. Upon the second point the court said that it is well understood that an appeal by the principal will not suspend the judgment as to the surety. 3. A. 319, 4 A. 419, 11 A. 707, 15 A. 433, 19 A. 291.

State ex rel. William Malady vs. Judge District Court parish of Orleans.—Application by relator for writ of prohibition, complaining of the action of the court, who ruled him to show cause why he should not pay his wife alimony pending proceedings instituted by her to obtain a separation from bed and board from him, and to compel him to pay her attorney's fees for the prosecution of her suit. In this case, after a judgment in favor of the wife in the lower court, he appealed. Plaintiff's counsel announced to the court that she was in destitute circumstances and living upon her friends and in feeble health, and the husband was ordered to show cause why he should not pay her $150 a month and the sum of $300 for counsel's fees. Defendant alleged that there being a suspensive appeal the lower court was without jurisdiction to inquire into the matter set forth in the rule, and that, even if possessed of jurisdiction, defendant was not liable for counsel's fees. The lower court sustained the objection so far as it related to the $300 counsel fees, but overruled it as to the claim for alimony. The Supreme Court said that article 146 of the Civil Code provides that if the wife has not a sufficient income for her maintenance during the suit for separation the judge shall allow her a sum for her support proportionate to the means of her husband.

This right is incident to the action for separation from bed and board. It may or may not arise.

Where it does arise no rule of practice requires that it shall be set up in the original suit for separation. In this case it seems it was not done, but it was not passed upon by the lower court. It constitutes no part of the judgment appealed from, and is, therefore, not a subject matter over which the District Court lost jurisdiction by the appeal. 7 M. p. 2; 10 Rob. 152.

The wife having the right to claim, under the conditions stated, a maintenance "during the suit for separation," may interpose this claim at any time before a final decree of the appellate court. We see no reason why, in the present case, where the District Court has not passed upon the question, the wife should be debarred the right of prosecuting this incidental demand after the rendition of the judgment. Her manner of proceeding by rule was not objected to in the lower court. The final termination of the suit may be protracted for some time to come, etc. The rule taken by relator is, therefore, discharged.

The above is the celebrated Malady case, in which the wife sues the husband and Mary B. Caldwell for a large amount of property, the wife having lost sight of her husband for a long period of years, finally finding him here in New Orleans.

United States Circuit Court—Judges Woods and Durell

The following named grand jurors have been empaneled in this court:

Alfred Moulton, foreman; Perry Nugent, E. O'Brien, George W. Nott, John D. Cobb, Edward O'Brien, P. Lanman, John Sinnott, David McCoard, Denis Cronan, George W. Bancker, Zenon Maxlent, H. H. Wulff, Edward Lachemeyer, Henry Shephere, W. C. Raymond, L. D. Sarpy and Alfred Olivier.

Indictments by the Grand Jury.

The grand jury empaneled in the United States Circuit Court has found the following true bills:

Two indictments against Robert W. Taliaferro, late Postmaster in this city, on charges of embezzlement.

Passing Counterfeit United States Notes

Joshua W. Buck, indicted for having in his possession and passing counterfeit United States notes, has been arrested and his release ordered upon his giving bond, with security according to law in the sum of $3000.

The Drowning of John M. Nelson—His Widow Sues for $50,000 Damages.

Yesterday a petition was filed in the Seventh District Court in behalf of Eliza Jane Nelson, and the heirs of John M. Nelson, claiming $50 000 of Duncan F. Kenner and Richard Taylor, as lessees of the new canal. The petition alleges that about the fifth of February, 1870, about half past seven o'clock in the evening, said John M. Nelson left the city of New Orleans for the purpose of returning to his home on the Metairie Ridge, driving a horse and buggy, and when at the drawbridge at the Half-way House, in the darkness, the drawbridge being open, he drove into the canal, and himself and horse were drowned. The widow and heirs, therefore, claim the amount of damages as set forth above.

Eighth District Court

Board of Metropolitan Police vs. S. N. Burbank.—In this case defendant has been served with an alternative writ of mandamus to deliver to the board the books and papers appertaining to his office as treasurer. No answer having been filed, the case was postponed until Saturday.

A. W. Walker vs. Thomas L. Maxwell, Sheriff, and C. Dufour, agent.—In this case Judge Abell has rendered the following decision:

The plaintiff seeks to enjoin the execution of a writ of seizure and sale by executory process, directed to the Sheriff in the writ of C. Dufour, agent, vs. A. W. Walker, by the honorable the Fourth District Court for the parish of Orleans.

Defendant excepts to the jurisdiction of this court, on the ground that the plaintiff has submitted to the Fourth District Court aforesaid, in the case in which the writ issued, against which he now asks an injunction. Defendants further answer that in said court proceedings were had contemplating the objects of this suit, wherefore he pleads res ajudicata.

A rule *nisi* for an injunction has been heard. Upon the question of jurisdiction, the plaintiff insists that section three of the act creating this court vests it with jurisdiction to issue the writ prayed for in the premises.

The following is section—[The Judge here quotes section 3 of the act creating the Eighth District Court.] This court has jurisdiction to the exclusion of the other District Courts of ordinary civil jurisdiction to issue the writ of injunction, except when the writ is sought "to stay or regulate the execution of any order of seizure granted or judgment rendered" by other courts.

In such cases it was evidently intended to leave the several District Courts with the full power which they possessed at the time of the creation of this court.

By article 738, Code of Practice, an injunction against an executory process is not only required to be taken out in the same court from which the process issues, but must issue in the very suit or proceeding itself whereof it forms a part and is in the nature of an opposition thereto. (4 L. 20.)

If then the Fourth District Court aforesaid had the exclusive power to issue the writ prayed for, when this court was created, it still, under the provisions of section three, retains that exclusive jurisdiction under the proviso of section three.

The prayer of the plaintiff's petition goes so far as to ask a judgment of nullity against the proceedings taken in the Fourth District Court.

I have no authority to entertain such a demand. C. P., 608. The writ of injunction sought is only subsidiary to this demand, and must fall with it for no other reason.

While I desire to maintain, to the fullest extent, the special exclusive jurisdiction vested in this court, I disclaim any intention to interfere, in any matter whatever, with the decrees of other courts of concurrent powers. If the subject matter of these proceedings is not *res judicata*, as insisted by plaintiff, he can still proceed before the Fourth District Court; if *res judicata* is a good plea, he could not proceed further in in this court if I should assume jurisdiction.

But it is clear to me that these proceedings ought not to take place except before the court in which is depending the principal cause.

It is therefore ordered that the injunction be refused; that the preliminary order be set aside; that the exception of the defendant be sustained, and the plaintiffs' petition dismissed with costs.

The Gin and Milk Trial.

On the sixth page we publish a portion of the report of the gin and milk case, involving the ecclesiastical reputation of Rev. Mr. Smyth, of New York. A report was made on the ensuing day to the court, which closed as follows:

Second—That for the offences now enumerated the censure known in our Book of Sacrifices as "rebuke," be administered to accused, and that he be solemnly warned to guard hereafter not only against the sins which have brought upon him this grave censure, and upon the church and cause of Christ so much reproach, but also against everything at variance with his standing as a professed Christian.

Third—That on the submission of the accused to the decision now indicated, and on his engaging to walk by the grace of God more circumspectly in the future, the case be entirely dismissed.

At the resumption of the court, Rev. Mr. Smythe handed in his reply in writing to the question whether he considered he had sinned. He said he had no hesitation in submitting to the judgment of the Presbytery, sorry that the cause had any existence which gave occasion for the same, and the promise which is required therein, "to walk more circumspectly in the future," is sincerely given. He should like to have seen in the report of the committee a stronger condemnation expressed against the libelous matter contained in the *Sun's* report, inasmuch as in his judgment, the charges contained therein are easily separated from the facts which he had admitted in his answer. At the same time he was glad to find that the article was considered disproved.

A vote was then taken on the motion of accepting his answer as final. It was carried.

Mr. Robert Harper insisted on the yeas and nays being taken.

The vote then stood six for accepting, and one against. At the request of the Moderator, Rev. Dr. Harper administered the rebuke, which the Rev. Mr. Smythe accepted with bowed head and a thoroughly penitent air.

Public Schools.

The following named ladies were last night elected teachers: Miss Sarah Harris, Miss Mary Whiteside, Mrs. Earhart and Miss Emily Hunt. They are requested to report to Superintendent Carter without delay.

One of the above named ladies was elected to a position in the Chalmette School, and Miss Myers and Miss Sweeney, of that school, were promoted.

Miss H. Fitzgerald, of the DeSoto School, was granted leave of absence until July first, and in the meantime, Miss L. C. Slevin will fill her place.

Academy of Music.

An intelligent and refined audience greeted the Berger Family Swiss Bel Ringers last evening at the Academy. The house was almost literally packed, and everybody was delighted with the entertainment, which was unique and at the same time full of interest. This evening the programme will be changed, but Sol Smith Russell will be on hand with his original character impersonations.

Considering this is the day the great prize fight is to come off between Mace and Allen, and that much money is likely to change hands, we would remind all who would like a prize without a fight that the next single number drawing of the Louisiana State Lottery takes place next Saturday, when many prizes will be drawn without drawing blood or blacking anybody's eye. Here is a chance to get a prize without being punished; or to get your money back should you bet on the losing man.

As the procession of the Druids passed along Camp street on Sunday, they halted a moment in front of the REPUBLICAN office for a brief serenade. They did the same in front of the other newspaper offices.

There is a woman in Virginia, who is said to have lived for years without eating. A Richmond letter to the Petersburg *Courier*, says: "I hear again from the lady who lives without eating. About this time last year I gave you some account of her. I am assured by her friends and relations that she eats nothing at all; that she appears to be kept alive by a daily application of oil to her breast. My informants are intelligent and respectable people, not likely to be imposed on, nor invent what they tell, and the lady herself is represented to be devoutly pious. Her beauty is described as angelic."

The Baton Rouge *Courier* tries bad grammar and witticism. It says:

The Governor, together with Collector Casey, have been examining the mouth of the Mississippi. It is not stated whether they succeeded in discovering its age, but they probably concluded that an immediate dental operation was necessary.

Forty years was the good old age of a horse which died recently in Ulster county, New York. Of him his discomfiture owner says that he would take down the bars with his teeth when he wanted to get out of a lot; and when he wanted a shoe put on, he would go down to the blacksmith shop and wait there until it was put on, and then return to the stable.

The Springfield (Massachusetts) *Republican* gives the following under the heading "Vital Statistics:" "An unmarried Pittsfield Miss of thirteen is about to become a mother, and another, a year her senior, became such last week."

BY TELEGRAPH.

LATEST NEWS FROM ALL POINTS

Appropriation Bill Considered

ANNEXATION OF SAN DOMINGO PROBABLE

THE VOTE ON THE PLEBISCITUM

More Than Five Millions Majority

DOMESTIC AND FOREIGN MARKETS

WASHINGTON.

Consideration of Appropriation Bill—$1,176,500 Internal Revenue Receipts—Indian Reform Convention at Cooper Institute—Annexation of St. Domingo Considered Certain—Accident in a Colored Baptist Church—Texas Bill Signed by the President.

WASHINGTON, May 9.—*Senate*—After Mr. Morrill had concluded his speech on the tariff question, consideration of the appropriation bill was resumed.

The legislative, executive and judicial appropriation bill was considered.

The Senate committee's amendment increasing appropriations to the office of assistant treasurer, at New Orleans and Charleston, the former $1600, and the latter $2600, were agreed to.

Internal revenue receipts to-day were $1,176,00.

The Indian Commissioner has called a convention to meet at the Cooper Institute, New York, on the eighteenth instant, for the purpose of promoting reform in the administration of Indian affairs, and to sustain the President's Indian policy.

Friends to the annexation of St. Domingo now claim to have the necessary two thirds in the Senate to secure the ratification of the treaty.

Last night the column supporting the gallery of the colored Baptist church of this city gave way, causing the gallery to settle. Some of the congregation attempting to escape jumped from the first and second story windows; several injured seriously.

The President has signed the bill which was introduced by Mr. Clark, of Texas, providing that all persons duly elected to office in Texas, and having proper certificates of such election, shall have thirty days from April 30, within which to take and subscribe and file the oath of office prescribed in the act of Congress, approved March 30, 1870, for the admission of Texas to representation in Congress.

The contested election case from the Fourth Louisiana District, will probably be taken up in the House this week—Newsham vs. Ryan. The former's friends say he will get the seat.

All the New York papers to-day devote editorials to the execution of General de Goicouria. The *Tribune* says: "But one thing more is wanted to arouse American sympathy into terrible action, and because there is danger that having the opportunity the Spaniards may commit this error, they will be wise to accept timely warning. There are several American citizens in the Cuban army, and of course liable to be captured. Will the Spanish authorities in Cuba dare to execute such prisoners? By his death Goicouria will prove a helpful ally of Jordan, and indirectly aid him in obtaining from the country the arms and ammunition which are the great, almost the only requisite to Cuban success."

The *Herald* says: "One object the Spaniards had in view by his hasty execution was probably to prevent any appeal from the United States to spare his life. Though a Cuban born, General Goicouria was, we believe, a naturalized American citizen. He had been a resident of this country a quarter of a century, and had been engaged extensively in business, and was well-known to the business community of this city and of New Orleans. Probably an effort would have been made to save his life, but the Spaniards were resolved to prevent this, and to have his blood."

NEW YORK.

The McFarland Defense Concluded—Immense Crowds in the Courtroom—Governments Advanced.

NEW YORK, May 9.—The defense in the McFarland trial is concluded, and the prosecution will sum up to-morrow. An immense crowd, including many ladies, were in the courtroom to-day.

The day opened with great ease in money at 3@5 for call loans, and continued throughout the day. Sterling exchange opened strong on the basis of 9¼@9⅛, and closed firm at 9⅛. Gold opened firmer, and advanced from 14⅛@14⅜, and closed at 14⅜.

Governments opened quiet and steady, but afterward advanced with increased demand, and closed steady. Governments—Five-twenties of 1865, 110⅞; new, 113⅛; ten-forties, 107⅜; Tennessees old 60¼; new, 54⅛; Virginias 69; new, 69; Louisiana sixes 76; levee sixes 72½; eights 91; Alabama eights, 102 asked; fives, 72 bid; Georgia sevens 94; North Carolinas 47⅛; new, 23½; South Carolinas 91; new 81⅛.

NEW YORK, May 9.—Sub treasury balance, $87,272,182, including $1,687,580 currency.

FOREIGN.

John Bright Will not Resign—Activity in the Iron Regions of Wales—Meeting of the Opponents of Infallibility.

LONDON, May 9.—The report that John Bright will resign from the cabinet is authoritatively denied.

The reduction of duties on iron by the United States causes great activity in the iron regions of Wales.

ROME, May 9.—The opponents of the dogma of infallibility held a conference to-day preparatory to opening debate on that subject on Tuesday.

FRANCE.

More Than Five Millions Majority for the Plebiscitum—Paris Tranquil—Rumors of a New Cabinet—Victor Hugo to be Tried for Exciting Hatred and Contempt Against the Government—Barricades Thrown Up in Faubourg du Temple and Carried by the Military.

PARIS, May 9.—Full returns of the vote have not yet been received, but it is quite certain that