NEW ORLEANS REPUBLICAN.

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VOLUME IV—NO. 145. NEW ORLEANS, THURSDAY, SEPTEMBER 29, 1870. WHOLE NUMBER 1059.

AMUSEMENTS.

ACADEMY OF MUSIC.
SPALDING, BIDWELL & McDONOUGH, Managers and Proprietors.

Monday Evening, September 19, 1870.

EVERY NIGHT AND SATURDAY NOON.

Inauguration of the Regular Season with the GAIETE COMIQUE GROUPE OF SPECIALTIES,
Presenting over FORTY SELECTED ARTISTS Of Established Reputation in OPERA, BURLESQUE, NATIONALITIES, INSTRUMENTATION and DRAMATICS.
KIRALFY SISTERS.

CSADY and EDELKA, of the Kiralfy Troupe of Hungarian Dancers, have arrived and will shortly appear at the Academy.

Doors open at 7 o'clock. Overture quarter to 8 o'clock.
Box Office open from 9 A. M. to 4 P. M. se17

FOR THE BENEFIT OF THE GERMAN AND FRENCH WOUNDED SOLDIERS.
A Grand Dress Ball and Promenade Concert
Will be given at DENECHAUD'S PAVILION, Lake End Pontchartrain Railroad,
On Saturday, October 1, 1870,
For the benefit of the French and German wounded Soldiers. (The proceeds to be equally divided between the French and German Consuls in this city.)
TICKETS, TWO DOLLARS.
MANAGERS:
Louis Schneider, Henry Stumborg, F. Rickert, Isidore Levi, Emile Maier, J. A. Blaffer, William Todt, Charles Cavaroc, L. E. Marchand, Paul Esteban, Louis Pioge, J. Piquet, S. Cambon, H. Zebal, John H. Fredicks, H. F. Klumpp, W. M. Sommers, Charles Wagner, G. Brunig, J. H. Hassinger, E. F. Denechaud, F. Laborde, B. W. Hebrard, Aug. Tournemire, Max Nihoul, J. Tujaque, Jules Cassard, Thomas Taquino, William Davis, Hugo Lehmann, By. Norman, Charles Ever.
INVITATION COMMITTEE:
Thomas Taquino, J. A. Blaffer, J. Levi, William Todt, J. Tujaque.

Tickets can be had at all the Music and Book Stores, and of the above Managers.
Applications for ladies' invitations must be made at J. A. Blaffer's, 26 and 28 Bienville street, and Mr. Isidore Levi's, 169 Poydras street, or to any of the Invitation Committee. Positively no invitations will be issued after the night previous to the ball.
Arrangements have been made with the Pontchartrain Railroad Company, who have kindly offered to run their cars to the Lake every hour until eleven o'clock P. M., included, and to return from the Lake at three o'clock on Sunday morning, without extra charge for return fare.
Mr. Charley Jaeger's celebrated Silver Cornet Band have kindly offered their services for the occasion, free of charge.
In case the weather should be unfavorable, the Ball will be held at Mr. Denechaud's Washington Hotel se17

FOR SALE.

FOR SALE—LOTS ON BROADWAY, GREENville, in square bounded by Broadway, Elizabeth, Pine and Ferdinand streets. Price $200 to $300, according to location. Apply to JOHN M. GOULD, No. 8 Magazine street. se27

FOR SALE—ABOUT 10,000 ACRES OF THE best sugar lands, situated in the parishes of Lafourche, St. James and Assumption, between the Mississippi river and Bayou Lafourche, near College Point and Thibodaux, three miles from Morgan's New Orleans and Texas Railroad, and about the same distance from the Chattanooga Railroad.
The owner being anxious to dispose of these lands would sell the whole or only a portion at an extremely low figure.
For further particulars apply to H. M. ROBINSON, Real Estate Agent, 22 and 24 Commercial Place. jy21

FOR SALE.—A PLEASANT AND VALUAble property in Lewisburg, two hours run from New Orleans; cottage house, out-houses, wharf and bath-house and spacious grounds. Will be sold very cheap. For price and terms apply to George R. Penn, Esq., Attorney-at-Law, No. 33 Exchange Place, room No. 13 second floor, or to Captain Robert S. Kirk, Mandeville, Louisiana, or to H. M. Robinson, Real Estate Agent, No. 24 Commercial Place. jy16 tf

FOR SALE—ON REASONABLE AND ACcommodating terms.—A splendid Sea Shore RESIDENCE, situated in the town of Biloxi, near the Lighthouse. For price and conditions of sale, apply to G. DE PERIERT, Auctioneer, Office 50 Royal street. je12

FOR SALE.—ONE OF THE FINEST SECTIONS of unimproved Sugar Land in the State, in the parish of Iberville. It is about nine miles from the Mississippi river, and that section of country has never been overflowed. The Chattanooga Railroad, now in rapid process of construction in the immediate vicinity, runs between two and three miles in front of this land, while the Opelousas Railroad passes its rear some six miles distant. It is undoubtedly the most valuable tract of unimproved Sugar Land in the State, and as to soil, timber and locality it is unsurpassed. For particulars, apply to H. M. ROBINSON, Real Estate Agent, 24 Commercial Place. se13 tf

FOR RENT.

FOR RENT.—THE VERY NEAT AND DESIrable cottage house situated on Columbus street, between Dorgenois and Broad streets, containing four large rooms, with gallery on the south side and back, with a large cabinet, kitchen, servant's room, coal shed, poultry house, wash room, etc., convenient to three lines of cars—Esplanade street, Dumaine street, and Ursulines street. Possession given immediately. Apply to E. L. BERCIER, Corner of Columbus and Dorgenois streets. se28 3t

FOR RENT.—PLEASANT AND COMFORTABLE furnished rooms, without board, to rent at prices varying from ten to fifty dollars per month. Apply at No. 114 St. Charles street, corner of North. au9 2m

HOUSE FOR RENT AND FURNITURE FOR SALE.—A rare opportunity is offered to parties wishing to purchase the entire contents of a well furnished three-story house, well suited for a large private family or a first-class boarding house; location one of the best in the city, near Canal street. For further particulars address L. D., Box 698, city Postoffice. se28 10t

FOR RENT—THE GROUND FLOOR OF STORE No. 525 St. Charles street, opposite St. Charles Hotel. Apply to Edward Barnett, No. 18 Royal street, New Orleans. se6

FOR RENT.—THE DESIRABLE TWO-STORY Residence 159 Calliope street, between St. Charles and Camp streets, with all the modern improvements. Rent moderate. Cars running to and from Canalstreet, and only ten minutes walk to Canal street. Apply at 157 Calliope street. je21

BOARDING.

BOARDING.—GOOD BOARD AND ROOMS BY the Day, Week or Month. Also, a fine suite of rooms, without board, might be obtained, at the fine residence 22 Rampart street, between Canal and Common streets. Bath-room at the service of the boarders.
Also, a No. 1 COOK wanted. se25 10t

BOARD AND ROOMS.—PARTIES DESIRING to do so, may secure pleasant rooms and satisfactory board for the approaching season or for a short period, in that elegant residence No. 212 Camp street, immediately above Julia street. Apply on the premises. au9 2m

BUSINESS CHANGES.

WILLIAMSON SMITH, ESQ., HAVING this day sold out his entire interest in the COAL business to Messrs. SMITH & WINGFIELD, beg to tender his sincere thanks to the community at large for their former liberal patronage, and respectfully solicits for his successors a continuance of the same.
All orders left at his old office, No. 25 Commercial Place, will meet with the same prompt attention as heretofore, and under his supervision.
WILLIAMSON SMITH.
New Orleans, September 26, 1870. se28 7t

NOTICE.—THE UNDERSIGNED HAVE THIS day entered into copartnership, under the style and firm of SMITH & WINGFIELD, for the transaction of the Coal and General Commission business, at 162 Common street, New Orleans.
JOHN E. SMITH,
JAMES H. WINGFIELD.
September 12, 1870.

We are fully prepared to fill all orders for steamships, steamboats, railroads, hotels, foundries, cotton presses, restaurants, manufactories, steam mills, families, etc.
All orders left at our office, and at No. 25 Commercial Place, and No. 625 Magazine street, will meet with prompt attention. se27 1m

BY THE DEATH OF MR. G. W. HUNTINGTON, the firm of PAYNE, HUNTINGTON & CO. is dissolved, taking effect from and after the thirty-first ultimo. All their business will be attended to and liquidated by their successors.
PAYNE, DAMERON & CO.

The undersigned, surviving members of the late firm of PAYNE, HUNTINGTON & CO., will continue the Cotton Factorage and Commission Business at the old office, Nos. 24 and 26 Baronne street, under the name and style of PAYNE, DAMERON & CO.
J. U. PAYNE,
WILLIAM H. DAMERON,
HENRY M. PAYNE,
New Orleans, September 1, 1870. se3 1m

THE PUBLIC SCHOOL FUND.

Mr. Lacey's Opinion.

STATE OF LOUISIANA, Office State Superintendent of Public Education, New Orleans, September 23, 1870.

EDITOR REPUBLICAN:

In your issue of yesterday George S. Lacey, Esq., appears (in reply to a letter of Treasurer Van Norden, of the City School Board), with an opinion on the question, to whom should the apportionment of the public school money now accruing in the State treasury be made—to the treasurer of the city board, or to the treasurers of the various ward boards? Mr. Lacey says:

"That the apportionment should be made in favor of the City Board of the city of New Orleans, in opposition to the boards of the several wards in the city, and that payment of the collected tax should be made by the State Treasurer to the Treasurer of the City Board, and not to the treasurers of the several boards in the various wards, is clearly evident, for the following reasons, viz:

"1. To the City School Board is given absolute control over all public schools in the city of New Orleans, and over all school property; and the exercise of that power imperatively requires the city to have the funds so absolutely needed to carry the conveyed power into effect. What power could be exercised over the public schools and school property without means?

"2. This interpretation of the revenue section of the school act (section thirty-five) is necessary to give effect to every clause of that section; a legal rule for interpretation which no one will deny.

"If the apportionment is to be made to the ward boards, and not to the city board, what becomes of this expression in section thirty-five: 'In each year apportion the funds thus raised among the several * * * city boards of the State, according to the number of children between six and twenty-one years, within the cities, etc.'

"3. Section fifty-four provides, *in totidem verbis*, that the City Board of School Directors in the city of New Orleans shall have all the powers and perform all the duties in reference to public schools of the city, *and of the distribution of the school funds thereof*, as are conferred by the act upon the school boards of the several parishes. This clause, most surely, carries with it an apportionment and payment of the collected tax in favor of the City School Board.

"4. It is very questionable, to say the least of it, that there are wards in the city of New Orleans with equally defined limits; and if there are, they are made by law subordinate to the City Board.

"The law, the nature and fitness of things, and the interests of public education in this city all favor this view of the case and I unhesitatingly advise you that the apportionment of the public school money, now under the control of the State authorities, should be made to the City School Board, and the funds paid to you as the treasurer of that body."

Mr. Lacey is a lawyer, I am not; and yet I will venture the assertion, that in this opinion he has not added one whit to his reputation for legal talent, but that, on the contrary, he has detracted from the prestige which he has acquired.

When he claims that, "To the City School Board is given absolute control over all public schools in the city of New Orleans, and over all school property," and that "the exercise of that power imperatively requires the city to have the funds so absolutely needed to carry the conveyed power into effect," he claims what the law does not warrant, as I now hope to prove.

In the first place, the law *does not* give to the City Board absolute or any other species of control over all school property in said city. The only authority which the City Board can exercise over any school property is that given in section sixty-three, which relates, not to the school-houses, but simply to "books, furniture, apparatus and appendages" of the schools, which "books, furniture, apparatus and appendages" were then, March 16, 1870, in possession of other "persons" than those appointed under the present law. The only authority given in that part of the law which relates to New Orleans to "hold property," is given in section fifty-six, which provides, in clear terms, "That each Ward Board in the city of New Orleans, appointed under this act, shall be a body corporate by the name of the 'Ward School District of the city of New Orleans,' *and in that name* may hold property, sue and be sued, *contract*, and do other corporate acts."

If this means anything, it means what it says. Mr. Lacey says the City Board is given absolute authority over all school property in the city of New Orleans. The law says this authority is given to the Ward Boards.

Mr. Lacey says: "If the apportionment is to be made to the Ward Boards, and not to the City Board, what becomes of this expression in section thirty-five: "In each year apportion the funds thus raised among the several * * * city boards of the State, according to the number of children between six and twenty-one years within the cities, etc." Why these stars? Why does Mr. Lacey not quote and publish the words displaced by these stars?

Perhaps it will be desirable to quote the exact wording of the law—section thirty-five: "That the Superintendent of Public Education shall, quarterly, on the first Monday in March, June, September and December in each year, apportion the funds thus raised *among the several ward, district*, city or town boards, etc." It is well to note that ward and district boards are named first in the order of mention, and that city and town boards are mentioned last.

Mr. Lacey asks what becomes of the expression making mention of the city and town boards as parties to whom apportionments are to be made? I answer that apportionments may be made to the board for the city of New Orleans only under certain circumstances.

Section fifty-four is specific in regard to the question as to school funds in the hands of the City Board, and I am astonished that Mr. Lacey has failed to see that this section sweeps away every right to the State apportionment from the City Board in favor of the ward boards, except the latter, after a certain time, have failed to perform the duties incumbent upon them.

This section says: "Said board (meaning the City Board) shall have all the powers and perform all the duties in reference to the public schools of the city, and to the distribution of the school funds thereof, herein conferred upon the parish boards of school directors for other parishes."

Let us now see what are the powers and duties of Parish Boards in reference to schools and school funds, and when we ascertain these, we have ascertained the powers and duties of the City Board.

SECTION 21. "The powers and duties of each (parish) Board of School Directors, hereinbefore provided for, shall be as follows:

"First. To elect from among their members a president, secretary and treasurer.

"The treasurer shall give bonds in an amount not less than five thousand dollars, to be approved by the parish or district judge and the recorder of the parish, and a copy thereof to be forwarded to the Superintendent of Public Education, for the faithful performance of his duties under this act. Said board may be increased, from time to time, by the order of the board, or the District Judge, in proportion to the amount of school funds in the hands of the treasurer. The board shall, from time to time, examine the accounts of the treasurer and settle them.

"Second. To appoint for each ward school district in their parish a board of three district school directors. Said district school directors shall hold their office for two years from the time of their appointment and until their successors are duly appointed and qualified.

"Third. To visit and examine the schools of the several districts of the parish, from time to time, and to meet and advise with the several boards of district school directors as occasion may require.

"Fourth. To report to the State Board of Education, and to the Superintendent of Public Education, all deficiencies in the schools, or neglect of duty on the part of teachers, directors, division superintendents or other officers.

"Fifth. *To receive from the State Tax Collector all proceeds of any parish school tax levied by the Police Jury in accordance with this law, and to apportion the same among the several ward school districts of their parish in proportion to the number of persons in their district, between the ages of six and twenty-one years.*

"Sixth. To make such needful by-laws and regulations for their own government, not inconsistent with this law, as they may deem proper.

"The treasurer of the board shall receive all money on account of the board, and pay out the same on warrants signed by the president, and countersigned by the secretary, and he shall keep a correct account of all expenses and receipts, in books provided for that purpose, which shall always be open for inspection.

"He shall render a monthly report to the board, and an annual report to the division superintendent, on or before the tenth day of January."

As there is no Police Jury in this city to levy a tax as provided in the case of country parishes, it was evidently intended that any money appropriated by the City Council for school purposes (if that body felt authorized to make such appropriation), might be apportioned by the City Board to the several wards of the city.

Does it not appear from this that even such funds as might come into the hands of the City Board would have to be apportioned to the several ward boards for the support of schools under their control, and to meet the obligations of "contracts" with teachers and others, which the ward boards, according to section fifty-six, are authorized to make?

Again, section forty-six authorizes police juries to levy a tax not exceeding two mills, and in case such tax is levied and collected, the parish board is obligated to apportion it "among the several boards of district school directors," etc.

Thus it is shown that the apportionment of all school funds, whether derived from a State tax or from a local tax, is to be distributed by both State authority and parish boards to ward boards, whether in the city or in the country.

Mr. Lacey says: "The law, the fitness of things and the interests of public education in this city, all favor this (his) view of the case, and I unhesitatingly advise you that the apportionment of the public school money, now under the control of the State authorities, should be made to the City School Board, and the funds paid to you as the treasurer of that body."

This conclusion can not be supported by the law, and consequently the fitness of things demands another, namely, that the ward boards alone can "hold property," make "contracts," "draw all drafts upon the State Treasurer, and upon the treasurer of the parish board, for *money apportioned to his district*, and that the public school money now in the hands of the State can only be apportioned by the State Superintendent to ward boards."

Section fifty-three provides "that in the years 1870 and 1871, whenever, in any parish, any or all of the school districts shall fail to levy a sufficient tax, and make suitable provision for at least one school house in the district, and for the payment of a teacher for at least two months, or when, in any or all of said school districts the district directors shall have failed to qualify and enter upon the duties of their offices before the first day of December in each or either of said years, the State Superintendent may, upon the written report of the Parish Board of School Directors, setting forth the facts above named, direct the State Treasurer to withhold the apportionment of the State school fund from said district or districts, and direct him to pay the same to the treasurer of the Parish Board of School Directors for such parish, and such Parish Board shall proceed to establish and conduct and maintain public schools in such districts, and may expend the funds from the State or parish school taxes of the district for that purpose."

The Board of Directors for New Orleans can, under the power given in section fifty-four, do in regard to the wards of the city what parish boards are authorized to do under the circumstances pointed out in section fifty-three, but if those circumstances do not arise the City Board can not "expend the funds."

I draw the following conclusions from my understanding of the requirements of the law:

1. The school funds can only be paid to and used by Ward Boards in the city of New Orleans.

2. The Ward Boards have the control and management of the public schools under an undefined general authority of the City Board and of the State Board of Education.

3. The school property can only be used for school purposes by Ward Boards.

4. When the Ward Boards have performed the specific duties required of them in the law, the City Board has nothing left for it to do except to exercise such general supervision as may not strip the Ward Boards of their specific powers.

Very respectfully,
Your obedient servant,
THOMAS W. CONWAY,
State Superintendent Public Education.

THE COURTS.

Eighth District Court.

State ex rel. McGrath vs. James D. Houston.—In this case, heretofore reported, wherein relator asked a mandamus commanding the respondent to register him as a voter at the next election, the following answer was filed yesterday:

The respondent herein, for answer and return to the alternative writ of mandamus issued in his cause, shows into court—

1. That he is advised by counsel, and verily believes, that this court is without jurisdiction in the premises and has no authority to hear and determine the same; that the law has expressly taken from the courts all authority to issue or determine either writs of injunction or mandamus, in respect to his official acts.

2. That if all and singular, the allegations in relator's petition were true, said relator is not entitled to the said writ, for that it appears thereon that the performance or non-performance of the act complained of is, and was, not a clear, unqualified statute right, vested in all residents of the State; that there are questions of domicile, etc., to be determined and established by investigations; that in this cause this respondent, in determining whether said relator was lawfully entitled to register as a voter, was, by law, required to undertake an investigation; that he has so investigated and tried the question of the right of said relator to register, and, in his discretion, has determined that he was not entitled to register; that the act is, and was, the excuse of his discretion, which he used, was justly and honestly used and exercised, and that the said questions of the manner in which he has performed a discretionary act can not be reviewed by this court by mandamus.

And for a further return he saith that he refused to allow said relator to register as a voter, for the reason, among others, that the said relator was and is not entitled to so register under the law of the State, for this: That said respondent, as the result of his said investigation of said right to register, found and avers the fact to be that the said relator was a soldier in the late so-called Confederate States army, during and prior to the year 1865, and was not, at that time, a citizen of the United States of America; that afterward, in the year 1867, it appears that he obtained naturalization papers, which this respondent believes were, in all respects, fraudulent, and not based, as required by law, upon five years respect to and obedience of the laws of the United States.

The said respondent, therefore, prays that the writ of mandamus prayed for in this case be refused with costs.

(Signed) J. D. HOUSTON.

Sworn to and subscribed before me, this twenty-eighth September, 1870.

(Signed) ROBERT LYNNE, Deputy Clerk.

Eighth District Court.

Crescent City Live Stock Landing and Slaughterhouse Company vs. Board of Metropolitan Police.—In this case the following rule was taken yesterday:

On motion of J. R. Beckwith, of counsel for the Board of Metropolitan Police, and on suggesting to the court that the plaintiff in this cause has not complied with the order of this court requiring additional bond and security as indemnity against damages resulting from the injunction, it is ordered that the plaintiffs show cause on a day to be fixed, why the injunction should not be set aside.

The trial of the rule was fixed for Monday, the tenth proximo.

This is the case in which the meat slaughtered at the Cavaroc plantation was seized by the police as having been offered for sale in violation of the Slaughterhouse law.

Board of Metropolitan Police vs. S. N. Burbank.—In this case the defendant was ruled to show cause why he should not be punished for contempt in failing to render his account as Treasurer of the Metropolitan Police Board.

Much desultory debate took place between counsel. Judge Dibble remarked that the defendant had made a sworn return, and could not be compelled to give testimony going to show that his return was false. His affidavit that he had not intended a contempt of court was sufficient, and his return showing that he had turned over all the effects in his hands belonging to the board was a complete answer.

Counsel for defense argued that Mr. Burbank had made a full answer to the rule for contempt; had sworn that his accounts were completely settled, with the exception of $100 in bank, which he was ready to settle when properly called on, and this was the end of the case. If Mr. Burbank's answer was not true, he could be prosecuted criminally.

Mr. Beckwith, for the plaintiff, contended that there was a deficit of $120,000 in defendant's accounts, and that his answers were not true.

Counsel for defendant argued that the question as to the deficit was not before the court, that matter having been settled for the present by his sworn answers. If his answers were not true, the proper course to pursue was to prosecute him criminally.

The court held that defendant could not be made to testify contradicting his return.

Mr. Beckwith remarked that if the defendant could not be compelled to testify generally, he had nothing more to say. The rule was dismissed.

Sixth District Court.

Peter Miller vs. New Orleans City Railroad Company.—The petition of plaintiff, filed by his attorney, B. E. Forman, yesterday, shows that he is daily a passenger on the cars of the New Orleans City Railroad Company, on the Canal street route; that daily he is detained unnecessarily and unreasonably in the middle of the journey, at the stables of said company, at the corner of Canal and White streets; and that the cars of said company, on said route, run with great irregularity and often at much longer intervals than every fifteen minutes, from daylight till ten o'clock P. M., and every thirty minutes from ten o'clock P. M. till midnight. That the said company, by especial contract with the city, for the use and benefit of all citizens, is bound to run its cars regularly every fifteen minutes thereafter till midnight. That as a common carrier it is bound to carry passengers to the end of its route safely and without unnecessary delay.

That on Sunday night, September 25, having taken passage on one of the cars of said company, to go to his home on Metairie Ridge, petitioner arrived in the stables of said company, at the corner of Canal and White streets, and when he demanded to be sent out to the end of the route, to the point for which he had taken passage, the foreman, servants and agents of the company refused to send another car, and when petitioner expostulated, they fell upon him, knocked him down, stamped upon him, dragged him out of the car, and made him walk home, bruised and bleeding as he was. For this he claims $5000 damages.

LOSS OF THE CAPTAIN.

Details of the Disaster.

NEW YORK, September 25.—English papers contain the following particulars of the loss of the Captain:

About midnight on the sixth the ship was in company with the Channel fleet, about forty miles off Cape Finisterre, cruising under double-reefed fore and main topsails, and fore topmast staysails, mainsail and foresail hauled up, there being at the time a very strong breeze and heavy sea.

The starboard watch had been called at twelve o'clock, and were being mustered, when a squall struck the ship on the port side, causing her to give a heavy lurch to starboard.

As she did not right herself, Captain Burgoyne, who was on the bridge, gave an order to lower the fore topsail, but in consequence of the yards being braced sharp up, the ship at the time being on the port tack, it did not come down.

Orders were promptly given to let go the braces and let the main topsail down by hand, but by this time the ship was again struck by a heavy sea and completely hove on her beam ends with the water pouring down the funnel, and she then turned bottom upward and gradually sank stern first.

From the time the ship was first struck to her going down only from five to fifteen minutes elapsed. The number on board at the time was about 520.

When the Captain was first lost sight of, it was thought that she had missed the fleet, not an uncommon occurrence on a dark night, and when it is blowing hard, and no one imagined she had gone down; but alas, the sad fact soon became apparent, when first was pick up a boat, then a spar, and subsequently a man, who had lashed himself to the grating, but did not succeed in saving his life.

On the morning of Thursday the Monarch, which had been cruising around the coast, brought intelligence to the flagship that one marine officer and seventeen men had landed from the Captain.

Mr. James May, gunner, states that he was awakened about twelve o'clock on the night of the sixth, by some marines making a noise outside his cabin, and finding the ship more than usually unsteady, dressed himself to go on deck and see if the guns were all right in the turrets.

When he got up into the after turret, the ship gave a very heavy roll to starboard and continued in that position, gradually keeling over more and more, until he found water coming into the port hole on the top of the turret, through which he crawled and found himself overboard. He, however, succeeded, with five others, including Captain Burgoyne, in reaching the steamer's pinnace, which was floating bottom uppermost, and observing a launch passing within a few yards of them, he cried out, "Now jump men, this is your only chance."

He and five others did so, and succeeded in getting into the boat. They in vain endeavored to regain the pinnace to save their captain, but the sea running so very high prevented them, and in the attempt they were struck by a heavy sea, nearly swamping the boat and washing one man overboard.

It was then determined to let the boat run before the sea, as land was known to be leeward.

They succeeded in landing about noon of the seventh.

Academy of Music.

The grand combination of almost every kind of talent for amusement now presented nightly at the Academy of Music, continues to attract excellent houses, and we do not wonder, for a spectator can sit a half hour, an hour or four hours, and get perfect and entire satisfaction for his investment of time and money. Everything about the performances, which embrace gymnastics, comic singing, jig dancing, ballad singing, Dutch personations, ærial trapeze exercises, banjo music, the ballet and light comedy just touch the popular string. Two of the Kiralfy troupe of Hungarian dancers have arrived here, and will shortly appear to add still more to the nightly attractions.

THE KENNERVILLE HOMICIDE

PRISONER SHOT BY A PATROLMAN

CORONER'S INQUEST TUESDAY

Coroner T. B. Stamps held an inquest at Kennerville, Tuesday afternoon, on the body of J. Todd, who had been shot Monday morning, between nine and ten o'clock, by officer Pettiway, and who died at one o'clock Tuesday afternoon from the effects of the wound.

The post mortem examination was made by Dr. Henry, of Carrollton, who found that the ball had entered in the rear part of the left side, about two inches below the ribs, and passed, obliquely, to the right side, cutting through the entrails on its way.

As no third person was present at the time of the shooting, there was no evidence before the jury in addition to the result of the post mortem examination, except the admissions of Pettiway.

His account is, that on Monday evening he arrested the deceased, Todd, on a charge of beating and abusing his wife, and disturbing the peace generally, he (Pettiway) having partly witnessed the offense. That he detained Todd at Kennerville on Monday night, and on Tuesday morning, about nine o'clock, he started to convey his prisoner to Carrollton. That he took no measures to secure Todd, confiding in his promise not to escape; but when about a mile and a half below Kennerville Todd started and jumping the fence, ran in among the weeds (at least eight feet high), and was lost sight of.

It is proper to state that Pettiway was on horseback and Todd on foot. Pettiway dismounted and fastened his horse, which gave Todd a considerable start ahead. Pettiway followed among the weeds, but, neither seeing nor hearing his prisoner, although he called after him a number of times, he at length fired at random among the weeds, for the sole purpose of scaring Todd, but the ball took unexpected effect. Pettiway took measures to have the wounded man conveyed back to Kennerville, and then proceeded to Carrollton and reported the catastrophe.

The verdict of the jury was that Todd came to his death from a gunshot wound, inflicted by a weapon in the hands of James Pettiway, on the morning of Monday last, between the hours of nine and ten o'clock. The Coroner subsequently made a charge of murder against Pettiway, and he is now in prison at Carrollton to await the course of law.

Pettiway is an intelligent colored man, of good address. He disclaims any intention of firing at the prisoner, who was a colored man also, with whom, he says, he was on the most amicable terms, and he expresses the utmost regret at the occurrence. He says he has been on the police force since Mr. Heath was Mayor, and appeals to his superiors for the correctness of his deportment.

QUARANTINE AT PENSACOLA

NERVOUSNESS OF THE AUTHORITIES

The people of that ancient burg, Pensacola, are imbued with ancient feelings, and have an odd way of progressing backward. Several months ago they were credibly informed that yellow fever was scourging New Orleans, and believed the report. Once in their lives they were fast, unfortunately or fortunately too fast. Contradictions did not move them from the belief, and the sickly newspapers published there continued to agitate the subject until the scourge really did appear here. The *Commercial*, not content with detailing facts, drew a long bow, and on one occasion unqualifiedly stated that twenty deaths occurred in New Orleans in one day, all of yellow fever. The statement was plainly willful.

Last week the Council of Pensacola resolved to quarantine all vessels from New Orleans for the space of twenty days. Captain Felsher, the enterprising owner and master of the steamship Lizzie, sailed that day or the one following, having a full cargo, stores, provisions and passengers, going from the New Canal. He arrived in Pensacola at night, but had made a landing at Warrington, where two passengers slipped off without his knowledge. The Pensacola people were not frightened to death, but they approximated, refusing to permit the vessel to land or to permit the Captain to discharge his cargo or release his passengers. He was ordered off, almost with violence, and was compelled to steam out into the bay. Rather than remain there twenty days, Captain Felsher, after much trouble, procured fuel and started back for New Orleans. His troubles were not over here, for the underwriters refused to longer take risk on the goods, and the shippers would not receive back their commodities. Viewing the situation with no friendly feelings, he raised steam yesterday and started for Pensacola, and will doubtless give those old-fashioned people another hair-raising fright, and the thundering *Commercial* will inform the world that New Orleans is the worst city on this hemisphere, and that Pensacola is the only country town worthy of favorable mention. We wish to inform the citizens of that village—we do not really know whether it is in Alabama or Florida—that the journals of this city furnish daily reports of the true condition of yellow fever here; therefore it is unnecessary for countrymen to look in obscure papers for the news. Evidently there is malice toward us, but it is like breaking your heads against a granite wall.

Orleans Dramatic Relief Association.

The fourth and last subscription performance of the Orleans Dramatic Relief Association took place last evening at the Varieties Theatre, and, like all the previous performances was very well attended.

Any one acquainted with the drama of "Ruy Blas" knows that to make it effective requires more than ordinarily good acting, and more particularly in the parts of *Ruy Blas* and *Don Salluste de Bazan*.

It is no more than justice to the personators of these two characters, Messrs. C. F. Buck and T. LaHache, Jr., to say that their parts were excellently conceived and performed. In the other parts there is not the same opportunity for the display of histrionic ability, but they were all well rendered.

The part of *Don Manuel* was happily performed by Mr. R. D. Bauhlman, although that gentleman was then suffering from severe illness, and was compelled to retire to a sick bed immediately after the close of the performance.

We have only space to say of the afterpiece, "A Regular Fix," that it was exceedingly well performed. If we were to particularize, we might remark that the parts of *Hugh de Brass*, by Mr. J. Seveignes, *Charles Surplus*, by Mr. Stern, and *Abel Quick*, by Mr. Doll, were peculiarly fine. The lady performers in both pieces played in their happiest vein, with an effectiveness that might satisfy the most exacting critic.

THE NEW UNION CLUB.—The committee appointed to prepare the rooms for the use of this club, will have them in readiness for occupancy in about three weeks. The building is that formerly occupied by John Galpin, on Royal street, and will be found every way adapted to the wants of the club.

BY TELEGRAPH.

OUR NEW YORK DISPATCHES

FALL OF STRASBURG

MONTMEDY CAPTURED

METZ PROVISIONED FOR WEEKS

Grand Movements by Russia

HEAVY SUPPLIES SENT SOUTH

[Special Dispatch to the Republican.]

NEW YORK, September 28.

The American Press Association has a dispatch, dated at four o'clock this morning, announcing the fall of Strasburg.

The Prussians made a breach in the walls. After a parley, General Ullrich surrendered to Werther at five o'clock yesterday afternoon.

Montmedy has been captured by the Prussians.

Jules Favre's brother, who went there on a fruitless mission, reports that Metz is provisioned for some weeks.

Hundreds are dying there daily of disease.

Russia will commence a grand movement immediately. Heavy supplies have been sent South. SPECIAL.

LATEST NEWS FROM ALL POINTS

NORTHERN MAILS FOR TEXAS

THE FARRAGUT OBSEQUIES CELEBRATION

Population of Oregon and Washington

MEETING OF BRITISH CABINET

Question of Intervention to be Considered

CONFIDENCE AND ENTHUSIASM AT PARIS

IDEAS OF THIERS RIDICULED

Bismarck's Demand of France

RESPONSIBILITY OR THE CONSEQUENCES

CAPITULATION OF STRASBURG

Seventeen Thousand Men Disarmed

The Prussians March From Orleans

The Plans of Prince Albert Changed

Prussian Attack and Repulse

THE VOMITO SPREADING AT BARCELONA

[Associated Press Dispatches.]

WASHINGTON.

Mails for Texas—Regulations for Transportation of Goods in Bond—Celebration of the Farragut Obsequies by the Navy Department.

WASHINGTON, September 28.—Pending the quarantine regulations at Galveston, letters for that place, or points in Texas supplied from there, should be sent via New York from the Eastern and middle States, and via St. Louis from the northwest. The Southern mail goes as usual via New Orleans, and thence via Red river.

Commissioner Delano resumes his duties to-morrow.

The regulations for the transportation of imported goods through the country in bond, is nearly completed.

The new issue of the fifty cent notes has been counterfeited.

The Secretary of the Navy has given orders for the proper celebration of the Farragut obsequies on the thirtieth of December. The departments here will be closed.

NEW YORK.

The Farragut Obsequies—Treasury Sale of Gold—Governments and Securities.

NEW YORK, September 28.—The Farragut obsequies will be the most imposing since those of Lincoln. It will be conducted according to strict naval etiquette. The remains will be borne from the landing, at Canal street, to Harlem depot, on the shoulders of sailors who formerly served under the admiral.

Evening.—Money abundantly supplied, generally at 5; prime discounts 7@9.

Gold opened dull at 113½@113⅝. During the afternoon more active. The treasury selling only a million, made the basis for a slight bull movement under German auspices. Prices advanced after the brokers' statements were made up. The demand for cash gold was renewed, and considerable amounts were borrowed.

62's 112⅛, 64's 111½, 65's 111¾, new 110½, 67's 110½, 68's 110½, 10-40s 106⅝.

Tennessees 62; new 60⅛; Virginias 65; new 63; Louisiana sevens, 70¼; new 65½; levee sixes 75½, eights 87; Alabamas 100; fives 70, Georgias 82; sevens 90; North Carolinas 50¼; new 27; South Carolinas 80; new 67.

LONDON.

Launch of the Iron-Clad Triumph—Revision of the Bible—Mezieres and Charleville Citizens Fugitives—Italian Immunity—British Cabinet on Intervention—Prussian Corvette Sunk by French Frigates—Confidence and Enthusiasm in Paris—Military Movements in France.

LONDON, September 28.—The new Ironclad steamer Triumph has been launched.

The board for the revision of the Bible has resumed its sessions.

The citizens of Mezieres and Charleville are fugitives. Many of them have been welcomed by Belgium. The cause of this hegira is the threatened bombardment of those places by the Prussians.

The question of Italian immunity will be the subject of a plebiscitum.

The British cabinet will meet on Friday, to consider the question of intervention.

The Prussian corvette Bertha was sunk in the Euxine, after a protracted engagement with three French frigates.

The troops in Poland, it is reported, have been strengthened in consequence of the sympathy of the Poles with France.

It is reported that the Belgian militia has been called to the frontier.

Advices from Tours represent that confidence and enthusiasm prevail among the people and the troops in Paris, but impartial observers do not support these statements.

Troops are being mustered in the principal French cities which are not occupied by the Prussians, and large bodies are moving up from the South.

The English journals are filled with reports of military movements in different parts of France.

The ship Uncle Joe, Sewall master, of New York, en route from Baltimore for Amsterdam, collided at sea recently with an unknown vessel, and has put into Plymouth in a leaking condition.

The bark Masonic, Moore, master, from Antwerp September 1, for New Orleans, put back to Flushing for repairs, and, having completed them, proceeded on her voyage.

LONDON, September 28.—Offenbach, the opera-bouffe composer, has been expelled from France as a German. He is now at Madrid, where, at the performance of the "Grand Duchess," he received an ovation from the audience.

PARIS.

Letter Dated the Twenty-fourth—A Cowardly Zouave Shot—Proposition to Destroy Bank of France Notes—Preparation to Light the City with Petroleum—Rochefort's Influence Over the Workingmen—Gunboats Guard the Seine—Measures to Insure Order.

TOURS, September 28.—A letter, dated Paris, September 24, says the population is animated by a sentiment for the defense of the capital. The Mobile and the National Guards behave with great calmness and determination.

A Zouave, who fled in the recent fight without firing a shot, and afterward attempted to kill the officer who arrested him, has been shot by order of a court-martial. Severe measures have been taken with the others who behaved badly. The cowards are mostly recruits who joined the fragment of the Zouave regiment, which escaped from Sedan.

The officers of the Bank of France propose to destroy the notes now on hand, in case of the danger of their falling into the hands of the enemy.

Preparation has been made to light the city with petroleum, if it becomes necessary to cut off the gas.

Rochefort has remarkable influence over the workingmen, who are prepared to defend the city to the last.

The city has been orderly up to the twenty-fourth. The Prussian reports of riots are false.

The gunboats guard the Seine effectively on both sides of the city.

Large numbers of men who have no arms have been detailed as firemen in case of need.

The strictest measures have been taken to insure order. The police force is large and can be readily supported by the military.

There is no possibility of a lack of water.

Great numbers of women who have organized to take care of the wounded, marched through the streets one day, carrying banners, and were enthusiastically applauded.

The Bourse is no longer frequented, and scarcely any operations take place there.

The Protestant pastor Paschaud, in name of the League of Peace, has sent a telegram to the Queen of Prussia, as President of the society of aid to the wounded at Berlin. The answer came in the name of the Queen expressing