New Orleans Republican.
OFFICIAL JOURNAL OF THE UNITED STATES
OFFICIAL JOURNAL OF NEW ORLEANS

AUCTION SALES THIS DAY.

BY R. M. & B. J. MONTGOMERY, at 11 o'clock, at Old Auction Mart, 87 Camp street, household furniture, etc.; at 11 o'clock, at stables, corner Gravier and Barenne streets, saddle and harness horses, work mules, top and open buggies.

BY J. DEJAN, JR., at 10½ o'clock, at Phil. Liner's stable, Gravier street, horses, mules, vehicles, etc.

BY D. E. MORPHY, at 11 o'clock, at No. 60 Magazine street, 100 barrels Chicken Cock whisky, 33 barrels Bowen whisky, 54 barrels Silver Creek whisky, 25 barrels Tip Top whisky, 10 barrels Duncan whisky, 33 barrels Argyle bitters, iron safe, platform scales and furniture of store—succession of Alexander Norton.

Local Intelligence.

STOLE A COAT AND CURRENCY.—J. Nicholson and L. Henry are considered almost anything but church members, as certain circumstances indicate that they stole eighty dollars in currency and a fifty-dollar coat from Myles Nesbitt; corner of Notre Dame street and the levee. The chances are that they will remain in prison until the twenty-fifth, when Recorder Houghton will look through them judicially.

Black Wallace is in the shade of a prison, for nothing more than that John Assel, No. 224 Perdido street, verily believes accused stole a fine silver watch from him feloniously.

Deputy United States Marshal Henry Shaw yesterday arrived here on the steamboat W. R. Arthur, from Baton Rouge, with John Holmes, thirty-six years old, who was wounded in the Baton Rouge riot. He is a witness, but his physical condition is such that it was necessary to send him to the Charity Hospital.

William Peterson, a marker for the Morgan line of steamers, has not been heard of since Sunday evening. An overcoat and a belt found under a wharf were shown his wife, and she identified them as belonging to her husband. The supposition that he is drowned seems natural.

BOARD OF POLICE COMMISSIONERS.—At a meeting of the Board of Metropolitan Police, held yesterday, Commissioner Robinson in the chair; present, commissioners George, Raynal, Isabelle, Baldey and Administrator Pierce, the following charges against members of the force were tried, viz:

H. Pomeroy, first precinct. Charge, absent from beat; guilty, fined three days' pay.

W. Savage and M. O'Hara, second precinct. Charge, sitting down; fined one day's pay each.

Jacob Hitchings and S. A. Campbelle, second precinct. Charge, asleep on their beat; fined three days' pay each.

V. Sylvester, fourth precinct. Charge, neglect of duty; reprimanded.

P. P. Swanton, fifth precinct. Charge, absent from roll-call; reprimanded.

N. Hauck, J. H. Gomez, and L. Winkler, fifth precinct. Charge, asleep on their beats; fined three days' pays each.

D. F. Leshinski, fifth precinct. Charge, absent without leave; dismissed the service.

J. Donovan, sixth precinct. Charge neglect of duty; fined five days' pay.

POLICE CHANGES.—Sergeant Taylor, by resolution of the Board of Commissioners, is charged with general supervision of the mounted men. It is expected that he will infuse new spirit and vim into this branch of the force.

Officers Elmore, of the first precinct, and Harrison and Carleton, of the sixth, are promoted to corporals in their precincts.

There seems to be a general rattling taking place among the men, apparently for the better.

The several police stationhouses were pretty well filled with chronic drunkards and demure lodgers last night. Cold weather was the main cause.

Retailers of soda water and ice cream complained of horribly dull times yesterday. Holders of hot whisky punches looked pleasant.

B. Conery, Tom Houlihan and James Devine were arrested on Girod street last night for fighting, and trying to be more boisterous than the weather. They were taken in out of the cold, when it was discovered that one of them had been wounded with some sharp instrument.

OFFICIAL MORTUARY REPORT.—Dr. S. C. Russell, Secretary of the Board of Health, reports that the whole number of deaths in this city for the week ending Sunday evening at six o'clock, was 153. Of these 5 died of apoplexy, 2 of bronchitis, 1 of cancer of the breast, 1 of cholera infantum, 3 of congestion of the brain, 4 of congestion of the lungs, 17 of consumption, 2 of diarrhea, 2 of chronic diarrhea, 2 of dysentery, 1 of chronic dysentery, 1 of congestive fever, 3 of pernicious fever, 1 of intermittent fever, 2 of malarial fever, 2 of typhoid fever, 16 of yellow fever, 3 of fracture of the skull, 1 of fracture, 8 of heart disease, 1 of inflammation of the bladder, 2 of inflammation of the bowels, 1 of inflammation of the brain, 1 of inflammation of the liver, 1 of inflammation of the stomach, 3 of lockjaw, 3 of old age, 4 of pneumonia, 1 of suffocation, 1 was drowned, 2 premature birth, 14 stillborn. Thirty-four were interred from public institutions, 26 on certificates of coroners, and 4 on certificates of midwives.

JUSTICE AND INJUSTICE—*A Healthy Exposition.*—Recently we published a few ordinary facts concerning a small trading steamboat, pocket size, owned and commanded by Captain Lemmon and wife; of how the vessel had been seized by an order from a Justice of the Peace in Gretna, and how it had been recaptured by the owners during a dark night. Of course there was a history attached to the transaction, but we could not obtain it, as the hose of our pump was too small and the handle too short. However, it is good to wait and watch, for now comes the following exposition, which should interest every reader. It is the decision of Judge Scott, of the parish court of Jefferson:

State of Louisiana ex rel. Kate Hutchins, vs. E. A. Hubeau, Fourth Justice of the Peace, and J. H. Laizer, Constable.—Upon examining the record in this case, I find the proceedings had extraordinary in their character, and extraordinary in their conduct; in the several causes complained of by the relatrix, I have not seen the like before.

I remember one case that came before me some time ago, from this Fourth Justice Court, in which it appeared that this Justice had, without a proper affidavit being filed, or proceedings had, entertained a charge against two little children for an attempt to steal geese; when he in violation of all law, and without warrant, had them arrested; without warrant or authority of law, tried them; and without authority of law, found them *guilty*, and incarcerated them for some three days in the lockup of Gretna, from which they were relieved by a writ of habeas corpus. I considered then that his conduct as an officer of law was unwarranted, and in high excess of the powers vested in him by the laws as they exist.

In the papers before me I perceive the most striking irregularities and positive injustices committed.

The two suits complained of, entitled respectively, "William Johnson vs. Captain Lemmon," and "Henry Kerner vs. Captain Lemmon," are both instituted, as the citations show, on the second November, instant, and were served on the same day. It seems that, within the legal delay for answering, exceptions and an answer were filed by the defendant.

The testimony teaches me that the exceptions were with inordinate haste set for trial on the fifth. What the judgment was on the exceptions is not displayed to me by the evidence. The case was continued to be tried on the eighth instant, at two o'clock P. M., and notice of trial served upon Captain Lemmon, and filed in evidence on the trial of this cause, show that fact. The parties were also present on that day and date, and from the fact of the non-attendance of summoned witnesses, the trial was put off until Wednesday, the ninth instant, at two o'clock P. M. On Wednesday the parties were present at the appointed hour, but the counsel for the defendant being absent, a further delay of one hour was asked and granted for the purpose of Lemmon's bringing in his counsel.

The defendant had witnesses to examine, who had been summoned and who were in attendance at the time.

It seems from the evidence that, as Lemmon left the courtroom, he remarked that if he did not return in an hour's time, the case might go by default, or words to that effect; but no sooner had Lemmon gone than the Justice of the Peace pulled from his pocket a judgment in writing, which he pronounced, as then read, to be his judgment against Lemmon—the judgment is an oddity and a fraud upon its face. In order to make good his illegal seizure of the steamboat in question, the title of the suit is altered; it is really a different case from the one originally instituted before his court.

This judgment was rendered and signed, so it says, on the fifth of November (the judgment was never signed). The judgment says, "several witnesses were sworn," when the evidence teaches me that not one was sworn upon the day of trial. It further says: "after explanation of counsel," when there was no counsel present. The judgment is rendered against Captain Lemmon and owners of the steamboat, who were never sued, and who were never made a party to the suit, and who, when she did assert her rights of ownership, was denied the privilege accorded by law to assert the same, either to bond the boat pretended to be seized or to demand a bond of indemnity to cover a loss that she might sustain from an illegal seizure. I find the date of this judgment to be the fifth of November, an anomaly I can not understand. It was evidently written up without hearing the testimony, and was to have been rendered on the fifth of November.

I consider from the lights before me that this case was prejudged, and that the judgment, as read, is in utter denial of justice, and that the party defendant had no rights accorded to him before that court. Beside, everything has been done in a loose, disorderly manner, and with culpable disregard to the practice and proprieties appertaining to a court of justice. If a judicial functionary is ignorant of the forms and requirements of law and justice, we might at least expect that he would act according to good common sense.

For these reasons, and the law and the evidence adduced upon the trial of this case being in favor of relatrix, Kate Hutchins, wife of M. J. Lemmon, and against the defendants.

It is ordered that the mandamus now sued out be made perpetual. That the steamboat illegally seized and attempted to be held be at once released. The acts and doings in the suits before said court, in which Captain Lemmon is defendant, are irregular and unauthorized by law, and amount to a denial of justice to the parties concerned, and the pretended judgment is a nullity.

It is further ordered that said Justice of the Peace, E. A. Hubeau, and said Constable J. H. Laizer, be and are hereby ordered to proceed in said suits according to law.

It is further ordered that the defendants be condemned in solido to pay all costs of this suit.

It was related to us yesterday that this Hubeau, Fourth Justice of the Peace, parish of Jefferson, once lost a goose by which he set great store. That bird was an extraordinary one, and knew enough to go into the water without being told to. A double-breasted search warrant was issued—the documents being made and sent forth by himself. Two small children were pounced on as the culprits. They were arraigned before the interested party, who was about to try them for larceny when something stepped in to prevent. Members of our Legislature will not lose sight of the interests of their constituents when they look into the laws, or absence of laws, that govern courts over which preside Justices of the Peace.

One day last week a Mr. Thomas was arrested on a charge of larceny made by G. F. McIntyre, and taken before Recorder Stacs, where the accusation was not sustained. Mr. Thomas has now entered suit against his prosecutor for false imprisonment. Mr. Thomas deals in some kind of illuminating apparatus.

ANOTHER MAN-TRAP. — Sergeant Joseph last night reported that a gallery, portion of a burned building on Tchoupitoulas street, near St. Joseph, is in a condition ready to fall any moment, and perhaps crush some citizen, as did a ruined shed last week on Notre Dame street, when Mr. Castello was killed. The police seem to do their duty in reporting these places, and the owners should not hesitate in making a note of this fact. There are several places at present liable to fall, and if any one is harmed damages will be claimed from the proprietors.

A GREAT PIECE OF WORK.—There was a general taking in of street obstructions last night. Draymen and wagoners in the outskirts of our city appear to have entirely forgotten or ignored an ordinance relative to obstructing public thoroughfares, leaving drays, carts, wagons and other vehicles standing carelessly in the most inconvenient positions, thereby endangering lives and limbs of any one walking, driving or riding. As this nuisance has become unbearable, Colonel Roy, of Administrator West's department, last night sent out his men and made a general clearing up.

Draymen are not the only offenders. Many merchants seem to regard banquettes their exclusive property, piling boxes and barrels so thick and high as to preclude any other use for the thoroughfare. Administrator West's department was out in extraordinary force last night, from nine o'clock until daylight, fully prepared to clear every street. The men had a rough time of it, and labored hard. In the First District, Foucher and Commerce streets were quite impassable, even for a pedestrian.

To-day numerous people will think themselves robbed, but they can recover their goods by paying pound fees, identifying property, and settling with the several Recorders, who will doubtless impose proper fines, especially in aggravated cases.

THE PUBLIC SCHOOLS.—The State Superintendent of Education publishes, to-day, two circulars on the question of the public schools of New Orleans. These circulars evince a disposition on the part of Mr. Conway to enforce the school law with some regard to the work and claims of the present public school teachers. The decision of the Eighth District Court in favor of the ward boards will, perhaps, enable these corporations to test their fitness for the work entrusted to them by the Legislature in time to secure the change of the school system which time and circumstances may indicate as necessary, prior to the adjournment of the General Assembly. It may be that the plan advocated, we believe, by the State Superintendent during two sessions of the Legislature, and deemed by many friends of education in this city as by far more desirable than the present system, will yet be adopted, namely: a city board, with authority to employ all teachers, make all contracts, etc., and a board of visitors for each ward, composed of heads of families, empowered to visit the schools, make examinations, report delinquencies, etc.

BASE BALL.—The Atlantics of Algiers, and the Washingtons of a town near it called New Orleans, played the second game of a series, and judging by the score there is little difference in their merits, the Washingtons showing a trifle better than the Algerines. Atlantics, twenty-one outs and twenty-five runs; Washingtons, twenty-one outs and twenty-five runs. Seven innings. F. Smith, umpire; McKee, of Atlantics, and Chassaignac, of Washingtons, scorers. Time, 2:10.

Officer Mooney, soon after dark last evening, found two mules and a loaded float on Common street, with no driver. Rope, barrels, tobacco, hay and other produce on the float were taken care of at the first precinct stationhouse.

Sergeant Duncan, Trans-Mississippi Police Department, sends in a report that Mr. J. Bernard shot and badly wounded Alfred Thibodaux, on a plantation on Bayou Barataria, last week. Mr. Bernard was sent to the Carrollton jail, where he obtained his release on bonds, as Mr. Thibodaux's condition is not critical. The latter was recently employed on the place.

OUR CITIZEN SOLDIERS.—Some or all of our militiamen have been furnished with arms, equipments and uniforms, quite complete, and the members seem to enter into a spirit of emulation, which almost amounts to rivalry. Captain H. Shropshire's company of cavalry made a first public parade Sunday, and, considering that their horses were altogether unused to such duty, presented a creditable appearance. The uniform is gray, with orange-colored trimmings, and would be presentable, even on a tented field. One who has seen sights on several battle-fields informed us that not a few of those who passed in review before us must have sometime been where sabres and powder flashed. Following marched Captain Davis' company of infantry, mostly young men, with nerve and pride—pride as citizens or soldiers. The coat is of light blue, and pantaloons gray. Two bands of music accompanied them.

THE SCHOOL CASES.

Judge Dibble, of the Eighth District Court, yesterday delivered the following decision:

There are four several cases depending in this court, and now to be decided, involving the same question in relation to the administration of the public schools in New Orleans.

W. Van Norden, Treasurer of the City Board of School Directors, presented petitions for writs of injunction and mandamus against Thomas W. Conway, State Superintendent of Education, to restrain him from apportioning some fifty thousand dollars of the State educational fund to the ward boards of school directors in New Orleans, and to compel said Superintendent to apportion said funds to said city board of directors:

Subsequently, the State Superintendent instituted suit, and prays for an injunction against the City Board of School Directors to prevent them from carrying out certain resolutions looking to the opening and control of the schools by that board. He represents that the constitution charges him with the general supervision of the public schools, and that the act to regulate public education makes it his special duty to see that the school system is carried into effect. He avers that the city board is acting in violation of law and contrary to his opinion and that of the Attorney General, in passing the resolutions complained of, and in attempting to put them into execution.

The Third Ward School District, claiming to be a corporation created by the school law, brings action through the president of the ward board and district, with the view to determine the same issue presented in the case of the State Superintendent against the city board.

In these four cases several technical questions are presented—the right of Van Norden to stand in judgment, for instance. It is not necessary to decide them, for if one case went off upon such a side issue, another would prevent the main question, which is, whether the City Board of School Directors or the ward boards have the primary control of the schools? This question involves the destination of the money.

This opinion will be more directly applicable to the injunction suit of the State Superintendent against the city board, and will be filed therein; but will determine the decision of the other causes.

It will not be necessary to further notice the pleadings. The points insisted upon will appear in considering the law whose construction is made necessary by this litigation.

These cases have been carefully prepared and ably argued by counsel. I have endeavored to give the subject that consideration which its importance warrants and demands.

The act to regulate public education, etc., approved March 16, 1870, devises a system and provides for the support and control of free public schools throughout the entire State. The machinery is somewhat complex, and the details are, in most respects, minute. The State is divided into divisions, and a division superintendent is provided for each. These superintendents constitute a State board of education, over which the State Superintendent presides. He is, by the constitution and the law, made responsible for, and given general supervision over the whole system. (Article 137 constitution, and section fourteen of the law.) For each parish in the State, except Orleans and Jefferson, the State board are directed to appoint a parish board of directors, consisting of five or more persons. (Section 18.) Provision is made for the organization and government of such parish boards, and they are required to appoint for each ward school district in their parishes a board of three district school directors, to advise with such boards and to visit the schools; to make report to the state board of any neglect upon the part of school officers, to receive from the State Tax Collector the proceeds of any parish school tax, and to apportion the same among the several ward school districts. (Sections 18 and 21.) Section 22 declares that each jury ward or other ward in the State, which may have been or may be organized, shall be a school district, and is made a body corporate for school purposes. The district boards required to be appointed as aforesaid are directed to organize by election of officers; the duties of such officers are specifically set forth.

The district boards have authority to call district meetings in order to levy school taxes; to build school-houses; employ and discharge teachers; admit pupils; determine time of opening and closing schools; decide what branches shall be taught and what books shall be used, and in general to exercise a primary control and supervision over the schools within the school districts. (Sections twenty-three, twenty-four, twenty-five, twenty-seven.) The law further provides that for every incorporated town or city in the State, other than New Orleans, the State Board of Education shall appoint a board of directors, who shall have the same powers and duties as the district boards. There is special provision made for school government in the parish of Jefferson and in the late town of Algiers—provisions looking to the probable consolidation with the city of New Orleans, effected about the same time that this act passed.

This examination of the organization in the parishes was necessary to an understanding of the question presented in these cases.

The law makes special provision for schools in the city of New Orleans. There is to be a city board of school directors, consisting of eleven persons; six are to be chosen by the State Board of Education, and the Council of the city are to elect five. This board, it is provided, "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." They are directed to organize and to at once proceed to appoint for each ward of the city of New Orleans a ward board of school directors of five persons. (Section fifty-four.) Section fifty-six constitutes each ward a body corporate for school purposes. Section fifty-seven is as follows:

"Be it further enacted, etc., That each ward board of school directors in the city of New Orleans shall have the power and duties, and be governed by the regulations herein prescribed for district boards of school directors in other parishes."

If there were no subsequent provisions in the law, it would seem that there could be no doubt or disagreement as to the relative powers and duties of the city and ward boards. They are each corporations. Corporations have no powers not granted by their charters, either expressly or by necessary intendment. 4 Pet. 152. In section fifty-four it is declared that the city board shall have the powers of parish boards in the country; we have found what those powers are.

Up to the point we have gone, no other powers are given to the city board. Section fifty-seven vested the ward boards with the same power conferred upon the district boards in the country. We have found the powers of such boards to be those of the primary government and control of the schools. But withal counsel for the city board argued that it might be presumed that the Legislature did not intend to give the control of the schools to the ward boards, notwithstanding the language quoted. This presumptive argument was made from the suggestions that in other towns and cities in the State there were no ward boards, from the fact that the ward system contemplates no government for the high schools, and because the law declares that if those parts of the city now known as the Fifth and Sixth Districts should be incorporated, as they were, they should be brought under the control of the city board.

But presumptions can not override the letter of a statute. The language is exact, and can easily be understood. The fact that ill consequences may follow makes laws bad, but not null. If the wards have no power to establish high schools, so much the worse for the system; but that can not destroy the fifteen school districts in New Orleans, which we have thus far found the law has created. Nor can the fact that there are no ward districts in Baton Rouge deprive the ward boards in New Orleans of the powers expressly conferred upon them.

This brings us to the consideration of sections sixty-one and sixty-two of the act, whose construction makes the issue between these litigants. They read as follows:

SEC. 61. Be it further enacted, etc., That the control and direction of all public schools within said city, which are supported from public school moneys, whether such moneys are derived from municipal or State taxation, is hereby vested in the Board of School Directors for the city of New Orleans, that shall be appointed under this act; and all laws or parts of laws by which the Common Council of New Orleans is empowered to elect a board of directors of the public schools, and by which any control over any of the schools named above, is given to said board of directors appointed or elected by the Common Council of New Orleans, and the special act of the General Assembly, approved March 11, 1855, entitled "An act relative to public schools in the city of New Orleans," be and the same are hereby repealed.

SEC. 62. Be it further enacted, etc., That the sole and exclusive control and regulation of all public schools within the city of New Orleans, whether supported by municipal or State taxation, is hereby vested in the Board of School Directors for the city of New Orleans, and the other subordinate and local boards appointed in said city in accordance with the provisions of this act; and that the offices of all school directors in said city, appointed or elected, or assuming to act under authority of any law made prior to this act, are hereby terminated and made to cease; and all the powers hitherto conferred upon such school directors by virtue of any law or of any ordinance of said city, are hereby abolished and annulled.

The next section directs the city board to at once make application to the persons controlling the schools for possession, and makes it a penalty for such persons to refuse to turn over.

The position assumed by counsel for the city board is that those two sections, sixty-one and sixty-two, repeal, by implication, the previous sections of the law, which vest the primary control of the schools of New Orleans in the ward boards, if indeed, such control is given; that these sections are unambiguous and give such primary control to the city board, and if the previous sections conflict with these they must give way to the latter, as the latest expression of the legislative will.

One of the fundamental rules for the interpretation of statutes, is that you are not permitted to so construe a law as to render any part of it meaningless; you must, if possible, give force and effect to every provision. If the previous sections of the law can be harmonized with sections sixty-one and sixty-two, it must be done.

The language of these two sections, which, it is insisted, gives to the city board that control they claim, is general. The rule laid down in Bacon's Abridgment (volume 6, 231 Verbo Statute) has been quoted and indorsed by our Supreme Court: "If a particular thing be given or limited in the preceding part of a statute, this shall not be altered or taken away by subsequent general words of the same statute." St. Martin vs. New Orleans, 14 Annual 113; Rogers vs. Beiller 3 M. 672.

Here are sections explicitly vesting the primary control of the schools in the ward boards; following is a general provision that the schools in New Orleans shall be under the control of the city board. But section sixty-two, which almost repeats section sixty-one, refers to the ward boards as local and subordinate. Then if the existence of the city board and ward boards is recognized in this section, and other sections define their respective spheres and duties, we must construe these latter sections, general in character, by the special provisions preceding.

Sections sixty-one and sixty-two have reference not to how the schools in New Orleans shall be governed and controlled, but to the transition from the system which preceded this to the one now established. Section sixty-one says that the new city board shall now have control and direction of the schools to the exclusion of the old board. Section sixty-two repeats the same thing, but refers to the ward boards. The character of this new school government is determined by other sections of the statute by the whole act, which must be taken together.

Although I do not deem it necessary to this decision, I will say that I doubt the correctness of the proposition that the latter sections of an act can be said to repeal former provisions which may conflict. The various sections of a law are not passed *seriatim*, but the act is universally adopted as a whole, and, therefore, neither sections can be said to be the last expression of the legislative will.

From these tedious considerations of the school law, I have been forced to the conclusion that the position assumed by the city board of directors is untenable. I find in the statute that their powers are only those conferred upon parish boards. I find that the ward boards have the same powers conferred upon the district boards in the country. Therefore, the injunction asked for by the State Superintendent must be granted, for the acts of the city board, whereof he complains, can only be performed by the ward boards. The decisions in the other cases must correspond.

It was said such a decision will prove disastrous to the beautiful and uniform system of education which has been the pride of New Orleans. If such a result follows, I should feel deep regret as a citizen. As a judge, however, I cannot decide which is best law; I can only endeavor to determine which is the law upon the statute book.

[Advertisement.]

TO PUBLIC SCHOOL TEACHERS IN NEW ORLEANS.

STATE OF LOUISIANA,
Office State Superintendent of Public Education,
New Orleans, November 21, 1870.

The State Superintendent of Public Education desires all teachers recently appointed by the City Board of School Directors to know that, though he regards the action of said board as in contravention of law, he fully appreciates the value of their services and will use his utmost endeavors to not only have them retained in their positions so long as they discharge their duties faithfully, but that he will exert himself to have the salaries due them paid as promptly as possible. The legal controversy inaugurated by the City Board, which has terminated in favor of the view taken of the law by the State Superintendent, is one for which the public school teacher should not in any manner be made to suffer; and, were it not for that controversy the school funds now in the State treasury would ere this have been available both for the payment of salaries and the supply of all the incidental wants of the schools.

Respectfully,
THOMAS W. CONWAY,
State Superintendent of Education.

Circular.

STATE OF LOUISIANA,
Office State Superintendent of Public Education,
New Orleans, November 21, 1870.

To Ward Boards of School Directors of the City of New Orleans:

The injunction and mandamus asked for in the Eighth District Court by the city Board of School Directors for this city against the State Superintendent of Education having been refused, and injunctions having been granted by said court as prayed for by the Third Ward District Board of School Directors of this city, and by the State Superintendent of Public Education, restraining the City Board from enforcing the following resolutions adopted in defiance of law at a meeting of said board held on the ninth instant, to wit:

Resolved, That the public schools of New Orleans be opened on Monday, the fourteenth instant.

Resolved, That the Committee on Teachers be requested to report to the Board at its next meeting a list of names of suitable teachers for the public schools.

Resolved, That all new applications for admission to the public schools shall be made at the office of the Board, No. 39 Burgundy street, or at such convenient place as the President may direct.

That a committee of one, who may call on any other member of the Board when necessary, be appointed by the President, who shall be at the place designated as above, at least once a week, at a convenient hour of the day, and to whom all applications shall be made.

That all applicants must be accompanied by a parent or guardian, and they shall be assigned by said committee to a school in the vicinity of the residence of the scholar.

That no one shall be received into the public schools without an order from the committee above appointed.

It therefore becomes necessary for the State Superintendent of Education, in view of the grave responsibility imposed on him by law, to make the following announcement:

1. The Ward District Boards will now take charge of the public schools in their respective wards.

2. The treasurers of the Ward District Boards may, as soon as they have filed copies of their bonds as required by law, apply to the State Superintendent of Public Education for certificates of apportionment of school funds now in the State treasury and due to the respective districts.

3. Each Ward District Board, through its president, or otherwise, will at once notify the City Board of its perfected organization, and ask for the transfer of all school property, keys, books, records, furniture, apparatus, etc., now in its keeping, which may properly belong to their respective ward boards.

4. The public schools of New Orleans, when their respective ward boards shall have assumed control and management of them, shall be open to all children residing in the district in which said schools are established, and no ward board or any other authority shall issue any rule, resolution or regulation by which any child, entitled under the law and under the constitution of the State to admission into the same, shall be excluded because of race or color.

The State Superintendent will use his best endeavors to have all the teachers now employed in the public schools, and who have proved worthy of their positions, retained under legal contracts with the respective Ward District Boards as required by law, and he will, so far as his authority and influence will enable him, secure for them an early and equitable settlement of all salary now due.

5. The following republication of the amount of school funds heretofore apportioned to the respective wards of this city, is made for the information of all concerned:

CIRCULAR.

The Treasurers of District Boards of School Directors for the several ward districts of the city of New Orleans, when qualified according to law, with authentic copies of their bonds on file in this office, can call at once and draw the amounts hereinafter apportioned to their respective districts.

Amount apportioned the first Monday in June	$20,958 27
Amount apportioned the first Monday in September, as follows:	
ORLEANS:	
City of New Orleans—	
First District	4,951 — $2,478 50
Second District	7,422 — 3,711 00
Third District	11,679 — 5,989 50
Fourth District	10,368 — 5,184 00
Fifth District	7,845 — 3,922 50
Sixth District	8,042 — 4,021 00
Seventh District	12,165 — 6,082 50
Eighth District	7,057 — 3,528 50
Ninth District	11,673 — 5,936 50
Tenth District	9,617 — 4,808 50
Algiers	4,136 — 2,068 00
Jefferson City, First and Second Wards	4,932 — 2,466 00
Total	99,893 — $49,946 50
Total due the several wards	$83,904 77

THOMAS W. CONWAY,
State Superintendent Public Education.
no22 2t

SPECIAL NOTICES.

Office Mississippi Valley Navigation Company of the South and West, 118 Carondelet street, November 10, 1870.—In conformity with the terms of the charter, all stock voted at the annual meeting of the stockholders for election of directors must be registered on the books of the company, in the name of the holder, thirty days before said election, which takes place on the THIRD MONDAY in December, 1870. Hours for transfer of stock, 9 A. M. to 12 M. C. R. BENTON,
no12 10t Secretary and Treasurer.

The Lake Borgne Canal will be opened for business up to the bank of the Mississippi in January. Until the completion of the lock, probably in June, freight, including timber, lumber and wood, will be transferred across the levee directly from the Canal to the river by means of a powerful steam derrick and at a trifling expense.

For particulars apply at the office of the Company, corner of Lafayette and New Levee streets, New Orleans.
no20 1m JAMES O. NOYES, President.

Metropolitan Loan, Savings and Pledge Bank, New Orleans, November 14, 1870.—In compliance with the charter and by-laws of the Metropolitan Loan, Savings and Pledge Bank, I hereby call a meeting of the stockholders of the bank to be held in the Banking House, No. 114 St. Charles street, on the SECOND MONDAY of December, the twelfth proximo, between the hours of ten A. M. and four P. M., for the purpose of electing nine Directors to serve for the ensuing year.
no16 20t JOHN DAWSON, Cashier.

Notice.—All persons indebted to the firm of McCloskey, Bigley & Co., either by note or open account, will please call at their office and make immediate settlement.
McCLOSKEY, BIGLEY & CO.
no15 10t MRS. JANE McCLOSKEY, Executrix.

Getting Married.—Essays for young men, on great social evils and abuses, which interfere with marriage—with sure means of relief for the erring and unfortunate, diseased and debilitated. Sent free, in sealed envelopes. Address Howard Association, No. 2 South Ninth street, Philadelphia, Pennsylvania. jel4 1y

Notice is hereby given that all the circulating notes issued by the Merchants' Bank of New Orleans, and by the late Bank of James Robb (assumed by the Merchants' Bank of New Orleans) may be presented for redemption at the office of the State Auditor, within one year from the first publication hereof, viz: from March 4, 1870, or that the funds deposited for the redemption of said notes will be given up to the said Merchants' Bank of New Orleans, pursuant to sections thirty-four and thirty-five of an act of the General Assembly of the State of Louisiana, entitled "An act to establish a general system of free banking in the State of Louisiana," approved March 15, 1855.
New Orleans, March 4, 1870.
THOMAS I. DIX,
mh4 2tm 1y Cashier.

OFFICIAL NOTICES.

OFFICIAL.

COMPILED RETURNS OF AN ELECTION HELD IN the State of Louisiana, on the seventh day of November, A. D. 1870, pursuant to an act "To regulate the conduct and to maintain the freedom and purity of elections, etc., approved March 16, 1870."

WARDS.	MAYOR. R. F. Pleasants.	MAYOR. L. A. Wiltz.	MAYOR. Scattering.	Commvce. R. C. Seeley.	Commvce. H. N. Trimble.	Commvce. R. C. Baham.	Commvce. Scattering.	Administrator, Police. J. Lanze.	Administrator, Police. R. E. Diamond.	Administrator, Police. Scattering.	Assessments. Saml. Barnes.	Assessments. H. Bozano.	Assessments. Scattering.	Civil Sheriff. T. L. Maxwell.	Civil Sheriff. C. S. Sauvinet.	Civil Sheriff. Scattering.	Criminal Sheriff. J. A. Mascot.	Criminal Sheriff. John Tobin.	Criminal Sheriff. Scattering.	Coroners. P. Creagh.	Coroners. J. G. Roche.	Coroners. Scattering.	1st, 4th, 5th and 6th Districts.	2d and 3d Districts. J. T. Jackson.	2d and 3d Districts. J. Lando.	2d and 3d Districts. Scattering.
First Ward	827	1,362	14	1,154	1,867	2,225	14	1,134	1,098	20	833	1,409	20	1,358	23	845	1,358	986	6	1,576	816	47	1,153	69		
Second Ward	1,562	1,892	17	1,380	1,779	271	17	1,389	1,187	30	1,138	1,619	30	1,566	50	1,310	1,566	1,164	17	1,963	1,131	68	1,172	74		
Third Ward	2,728	2,802	29	2,085	3,579	2,715	29	2,728	2,067	26	1,670	2,767	31	2,673	50	2,015	2,673	2,710	91	2,604	1,772	72	1,712	78		
Fourth Ward	1,552	1,010	253	1,563	1,033	223	12	1,551	1,051	219	1,091	1,306	31	1,781	33	1,040	1,781	1,038	6				1,653	1,478	1,263	24
Fifth Ward	1,090	1,102	5	1,016	1,108	1,016	11	1,016	1,110	7	1,016	1,031	7	1,046	32	1,046	1,046	1,010	6				868	817	796	35
Sixth Ward	1,066	1,015	26	853	1,021	853	8	868	1,031	12	868	1,019	11	1,046	3	1,046	1,046	1,066	10				1,890	1,890	1,009	23
Seventh Ward	941	1,075	11	740	1,074	740	19	1,013	1,009	11	1,013	1,009	11	1,046	29	1,046	1,046	1,066	8				1,037	1,070	2	
Eighth Ward	1,142	976	9	1,053	960	1,053	7	1,053	306	7	1,053	306	7	1,105	19	1,105	1,105	1,105	11	1,117	780	130				
Ninth Ward	1,168	1,167	1	498	2,367	498	1	498	1	1	498	1	1	1,129	2	1,129	1,129	1,129	6	1,067	453	55				
Tenth Ward	1,159	450	9	450	316	450	9	450	316	9	450	316	9	441	1	441	441	441	3	441	204	46	206	175		
Eleventh Ward	1,640	154	1	1,640	729	1,640	1	1,640	70	1	1,640	73	1	1,630	8	1,630	1,630	1,586	2		160	146				
Twelfth Ward	1,984	151	413	1,984	205	1,984	9	1,984	138	9	1,984	132	1	1,937	6	1,937	1,937	1,936	1		12	12				
Thirteenth Ward	1,296	68		196	68	196		196	70		196	68		180		180	180	180								
Fourteenth Ward	1,062	1,026		1,062	1,026	1,062		1,062	1,026		1,062	1,026		1,037		1,037	1,037	1,037								
Fifteenth Ward	1,284	1,284		1,284	1,284	1,284		1,284	1,284		1,284	1,284		1,284		1,284	1,284	1,284								
Total	18,216	11,826	413	17,588	12,072	700	9	17,509	12,510	351	16,294	11,744	426	18,061	11,911	358	18,124	12,103	112	10,740	5,912	554	6,973	5,699	216	

JUSTICES OF THE PEACE.

FIRST JUSTICE.

	First ward.	Second ward.	Total.
Harvey M. Dibble	1359	2934	4293
John McPhelin	271	2650	2921
Scattering	5	25	30

SECOND JUSTICE.

	Third ward.	Total.
W. N. Evans	2654	2654
Wynne Rogers	1499	1499
Scattering	30	30

THIRD JUSTICE.

	Fourth ward.	Fifth ward.	Sixth ward.	Total.
J. P. Montamat	905	1683	799	3386
P. E. Larosche	699	1092	721	2513
Scattering	57	47	2	106

FOURTH JUSTICE.

	Seventh ward.	Eighth ward.	Ninth ward.	Total.
J. G. Baum	1838	975	1856	3669
Augustus Vivant	1603	912	1501	3016
Scattering	15	6	2	23

FIFTH JUSTICE.

	Fifteenth ward.	Total.
Samuel W. Otis	183	183
C. L. Sweet	1964	1964