

New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES OFFICIAL JOURNAL OF NEW ORLEANS

AUCTION SALES THIS DAY.

BY THOMAS J. HANNA, at 10 o'clock, at No. 216 Canal street, the entire stock of dry goods, fancy goods, notions, etc.

BY J. DEJAN, at half-past 11 o'clock, at New Orleans Mart, No. 123 Gravier street, near Carondelet, household furniture, etc.

Local Intelligence.

RETURNS OF RECORDERS.—The following sums for fines were returned by the several recorders:

Table with 2 columns: Recorder Name, Amount. Includes First District Recorder Houghton \$30.50, Second District Recorder Masicot \$21.00, etc.

ANOTHER ASSASSINATION.—Between four and five o'clock last evening, Mr. Joseph Bradley, brother of Captain R. L. Bradley, recently assassinated, walked into the first precinct stationhouse, and informed Clerk Tom Cummings that he was wounded and felt bad, as an occasional pain wrenched him.

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THE LATE JOHN THORNHILL.—The following is a copy of the eulogistic notice of the late John Thornhill, published in the Second District Court, Judge Davidson:

In the name of God, amen. I, John Thornhill, of the city of New Orleans, and State of Louisiana, do hereby certify that I have read and know the contents of the foregoing eulogistic notice, and that it is true and correct.

Since the above was written we learned that Mr. Bradley was examined by a surgeon in the hospital, who concluded that the patient was not hurt at all, and turned him out into the street. Bradley was intoxicated, apparently. However, several persons who saw the wound are still of the opinion that it is a serious one.

FIRST WARD REPUBLICANS.—At an election held by the Republicans of the First Ward the following gentlemen were elected officers to serve for six months: J. C. Miller, president; Joseph Fogg, first vice president; Theo. Grant, second vice president; J. Opatok, third vice president; William Fields, fourth vice president; Daniel Crowley, fifth vice president; Jerry Brown, sixth vice president; R. Fleming, recording secretary; W. S. Willson, corresponding secretary; W. G. Johnson, treasurer; John P. Pulliam, grand marshal; Milton Carter, sergeant-at-arms.

The thermometer dropped down to forty-two degrees at six o'clock Monday evening, the lowest this season.

The name of Mat Hogan is on the books of the first precinct stationhouse, charged with complicity in the Rochereau robbery.

John Moore, driver of boat No. 594, was arrested yesterday, by Officer Phillips, for cruelty to his team. If he is guilty, Recorder Stiles will attend to his case.

Peter McLane, alias Fulkerson, the man arrested as one of those who beat and robbed Mr. Schneider, the hardware merchant, was examined before Recorder Stiles and discharged, as the prosecutor was unable to identify him.

Jane Durnion, the old woman who killed her husband with an ax at the corner of Clara and Perdido streets last week, will undergo an examination before Recorder Houghton to-day, the coroner's jury having returned a verdict against her.

Last evening the inhabitants of buildings near the corner of Camp and Canal streets were threatened with a warm sensation, as an alarm of fire was sent from the photographic establishment, where some explosive material had created a great smoke. Nobody hurt.

The lobby of the City Council was crowded more than usual last night, but the members behaved themselves properly, with one exception. They all laughed when the Chinese dog petition was read. The magic word sausage was heard above a mirthful hum.

The coroner's jury of inquest who took testimony in the case of the child of Mr. Schwall, run over by a wagon and killed on Magazine, returned a verdict that the death was caused by some unknown person. The culprit seems to have completely escaped detection. Lewis Alexander, the driver who was arrested, will therefore receive his discharge.

W. R. Cox, the carpenter who shot himself at his home, No. 123 Cypress street, one night last week, died last evening from the effects of his wound. He at first acknowledged that he had shot himself, intending to commit suicide, but afterward denied the statement, saying that the shooting was accidental.

In the Council last night, Administrator Shaw opposed, on general principles, the reference of documents to the City Attorney for opinion. He thought the system an improper one, and advocated reference to members in all cases. Then, if the members chose, they could confer with that official, at the same time not surrendering their own judgment and rights.

H. Kleinpeter, arrested by special officers Peetra and Pearson, for forgery, was yesterday sent before the Criminal Court by Recorder Houghton. Accused is said to have forged the name of J. B. West to a check on the Hibernia Bank for seventy-five dollars, and on which he obtained the cash. Mr. West had no knowledge of the transaction, and so testified. Kleinpeter furnished a hundred dollar bond to appear for trial.

Corner Creagh will take charge of his office to-day. Yesterday he saluted the official, showing his documents, when Mr. Roche bowed his successor into office, tendering the benefit of his past experience to the incoming gentleman. All was agreeable as could be, which is a pleasant fact to record, for the two are radical in politics—Roche a radical Democrat, and Creagh a Radical Republican.

Colonel Roy's descent on street obstructions has had some effect, for parties made

some efforts to keep their banquette clear. Most of those who yesterday applied to the Recorder for releases of vehicles or goods from the pounds were successful on paying small fines, in addition to pound fees. Another raid will be made when it becomes necessary, therefore, intruders will keep a sharp lookout for what a night may bring forth.

TIJUQUETS.

The Jefferson City Shriverty—Important Order by the Supreme Court.

In the case of the State of Louisiana vs. Nathan Schwab vs. Sheriff of the parish of Jefferson, et al. The Supreme Court has ordered, upon motion of Alexander Walker, D. C. of La. and Robert L. Preston, counsel for Nathan Schwab, Sheriff of the parish of Jefferson, that as a final decision has been rendered by the court in the matter of the State of Louisiana vs. Nathan Schwab, and that duly certified copies of the mandate relating to the case of Nathan Schwab, Sheriff of the parish of Jefferson, and ordering that he be allowed to discharge the duties thereof according to law, have been lodged in the inferior court, and also presented, by motion, to the court, presided over by W. T. Scott, and further suggesting that a writ of possession had issued upon said mandate from the Second Judicial District Court, parish of Jefferson, directed to the Coroner, one T. B. Stamps, to execute the judgment, and upon its being suggested that the said W. T. Scott has issued an injunction, and treats the decision of this honorable court with contempt, and refuses and declines to give it any legal effect in his court, as more fully appears by the decree on file, and fails to regard said Schwab as Sheriff according to the decision of this honorable court, and the acting Sheriff or incumbent, Amos Collins, to surrender the office, and is also in contempt, it is ordered by the court that W. T. Scott, Coroner, and Amos Collins show cause on Friday, the twenty-sixth instant, 1870, at eleven o'clock A. M., why they should not be punished by fine and imprisonment, or both, for their contempt of the court, and if found guilty they shall be punished accordingly, and they shall be peremptorily ordered to carry out and obey the mandate of this court in said case.

Will of the Late John Thornhill.

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AMUSEMENTS.

Academy of Music. The military drama of the "Lancers" has lost nothing of its popularity by a two night's suspension of the play. There was quite as much interest evinced in its last evening as on the first night of its production. This evening, "Ours," another military drama, will be presented for the second time.

St. Charles Theatre. Mr. Lawrence Barrett will appear this evening in Bulwer's great play of "Richelieu," with Mary Mitchell Albaugh as Juana. To-morrow evening "Romance and Jealousy" will be produced.

Opera House. To-morrow evening Rossini's grand opera of "William Tell" will be produced. Saturday evening Verdi's grand opera of "La Traviata" will be presented for the second time.

Varieties Theatre. The popular comedy of the same name of "Katharine and Petruchio," has proved so successful that it will be reproduced again this evening and to-morrow evening, concluding with the burlesque of "La Sonnambula." Friday evening first performance of the last London sensation, "The Two Roses."

Judge E. H. Durell.

The REPUBLICAN of to-day informs us of the arrival of this very worthy gentleman and jurist. We indulge the pleasing hope that he returns with the accustomed good health and vigor of body and mind, which for many years have enabled him so faithfully and laudably to discharge the arduous and diverse duties of his elevated station.

We term his duties such, because from the twenty-fourth day of January, 1868, he has most diligently and ably fulfilled the multifarious functions, not only of District, but also of Circuit Judge. During this protracted period, he has constantly and conscientiously discharged the duties of the Circuit Court, and also such as are within the admiralty, bankruptcy, revenue, patent, copyright, and criminal jurisdiction.

From the absence of any Circuit Judge for nearly seven years, the delay to be gained by appealing was an object to the party, and the delay to the court, and the District Court had, therefore, greatly accumulated.

It is a shining proof of the ability and impartiality with which Judge Durell presided, that he has not only discharged the duties of his numerous decisions, very few were reversed.

And, with regard to this matter of reversal, the appellate court has changed its mind, and it does not always imply error in the opinion overruled, or superior qualifications in the appellate tribunal.

Thus, the same subject often presents itself in different lights to two different minds, and the appeal may be from a single judge to another.

A judge will set aside his own decision on a new trial, and Supreme Courts change their own conclusions on a rehearing, when no new law has been enacted, or additional evidence introduced after the first judgment. In these cases, surely no superiority of the court overruled is implied.

Sometimes, a long current of decisions, on which the judgment below is based, is overruled before the case is heard above.

At other times, a statutory provision on file of court or of practice, is repealed or modified between the date of the decision rendered and the annulling thereof.

In admiralty, not only the law but the evidence submitted to a tribunal may be altered prior to the period when the matter comes up before the second or third.

For, in maritime cases, the parties have a right to introduce new testimony, which was not presented to the court of the first instance. It may thus occur that the one reverses an evidence never submitted to the other.

The ruling of both would probably have been the same had the state of facts been the same.

There is in admiralty an appeal not only from District to the Circuit Court, but also from the latter to the Supreme Court (when the amount is sufficient to confer jurisdiction), a decree of the Circuit Judge reversing that of the District, may be reversed by the latter, and the District Judge may adopt the conclusions of the first Judge.

Notwithstanding all the foregoing, set the judgment of the District Court, in the District of Louisiana, shows confirmation of the fact for the greater number of Judge Durell's decisions.

This harmony and accord between his opinions and those of the magistrates who preside in the higher court of judicature will appear the more honorable to him when we consider who and what they are.

TO PUBLIC SCHOOL TEACHERS IN NEW ORLEANS.

Office State Superintendent of Education, New Orleans, November 21, 1870.

The State Superintendent of Public Education desires all teachers employed by the 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 endeavor to secure that not only have they retained their positions so long as they discharge their duties faithfully, but that he will exert himself to have the salaries due them promptly paid. 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 which the public school teacher should not in any manner be made to suffer from, and were it not for that controversy the school funds now in the State treasury would ere this have been available for the payment of the salaries of the teachers of all the incidental wants of the schools.

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

Circular.

Office State Superintendent of 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, and by the State Superintendent of Public Education, restraining the City Board from enforcing the following resolutions adopted in the meeting of the Board of School Directors on the ninth instant, to wit:

Resolved, That the public schools of New Orleans be opened on Monday, the fourteenth instant, at ten o'clock A. M.

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 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 designate.

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 above at least one hour before the meeting of the Board on the day, and to whom all applications shall be made.

That all applicants must be accompanied by the trustees of the Ward District Board, as soon as they have filed copies of their bonds as required by law, apply to the State Superintendent of Public Education, and receive a certificate of appointment from the State Superintendent, and the school funds now in the State treasury and due to the respective districts.

Each Ward District Board, through its president, shall give notice to the City Board of its proposed 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.

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 which shall discriminate against any child, or which shall violate 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 boards. 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 due.

It is therefore recommended that the amount of school funds heretofore appropriated to the respective wards of this city, be made for the information of all concerned.

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 the office, call at once and draw the amounts hereinafter appropriated to their respective districts.

Amount appropriated the first Monday in July, 1870.

Table with 2 columns: District Name, Amount. Includes First District \$200,000, Second District \$150,000, etc.

Total of the several wards, \$1,000,000.00

THOMAS W. CONWAY,
State Superintendent of Education.

OFFICIAL NOTICES.

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, for Parish Officers of the parish of Orleans, and for Municipal Officers of the city of New Orleans.

Table with 4 columns: Name, Office, Votes, etc. Includes Daniel Crowley, First Justice Court, 1,000 votes.

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We, the undersigned, Returning Officers, pursuant to an act approved in this State on the 10th day of November, A. D. 1870, do hereby certify that the foregoing is a true and correct compilation of the returns of votes cast at an election for parish officers, held in the parish of Orleans, State of Louisiana, on the seventh day of November, A. D. 1870, made by R. B. Blanehard, supervisor of registration of said parish, and we were to deliver the same to the Board of Supervisors of said parish, and to the Board of Municipal Officers of the city of New Orleans, on the twenty-sixth day of April, 1871.

OFFICIAL NOTICES.

DEPARTMENT OF IMPROVEMENTS, City of New Orleans, November 18, 1870.

SEALED PROPOSALS FOR THE CONSTRUCTION OF THE NEW BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. CHARLES, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. LOUIS, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. PETERS, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. MICHAEL, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. JOHN, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. JAMES, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. MARTIN, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. ANNE, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. CATHERINE, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. TERESA, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. MARY, AND THE BRIDGE BETWEEN THE PARISH OF ORLEANS AND THE PARISH OF ST. 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