NEW ORLEANS:
THURSDAY MORNING, DEC'R 16, 1852.

SUPPLEMENT TO THE DAILY CRESCENT.

Official

BOARD OF ASSISTANT ALDERMEN.

TUESDAY, December 14, 1852.

The Board met at a quarter past 6 o'clock P. M. Present: the Hon. F. Alpuente, President; Messrs. Andrews, Bailey, Derbes, Dolhonde, Eustis, Forbes, Heermann, Leeds, Nixon, Place, Ramos, Shaw, Siewerssen, Stetson, Summers, Sykes, Watkins, Willson and Wiltz—20.

Absent: Messrs. Burthe, Lusto, Mackey, McCormack, Ramos and Relf—6.

The reading of the journal was dispensed with.

The following message of the Mayor was read, and that part relative to the donation to the Fisk Library, was referred to the Committee on that Institution, and the residue to the Committee on the Judiciary.

MAYORALTY OF NEW ORLEANS,
December 14, 1852.

To the Honorable President and Members of the Board of Aldermen and the Board of Assistant Aldermen of the City of New Orleans:

Gentlemen—I have the honor to transmit to you herewith, a copy of a letter from Mr. B. F. French, of New York, accompanied by a list of books donated to the Fisk Free Library, through the agency of this gentleman, and comprising contributions from Messrs. J. S. Redfield, C. H. Norton, Fowler & Wells, B. F. French, the Massachusetts Historical Society, the American Bible Society, and the Mayor of the city of New York.

Enclosed I beg to hand you a letter from Mr. Ed. Planchand, abandoning his property on Ursuline street for the opening and widening of said street, and also a certified copy of said abandonment from the Second District Court.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, Mayor.

A communication was read from the Comptroller, notifying the Board of the adjudication of the contracts for cleaning, whitewashing and painting the markets, supplying the city with lake shells and sand, cleaning the Poydras street Canal, placing sign boards at the corners of streets, and for furnishing meats to the Work-House and the House of Refuge.

That portion referring to the contracts for supplying the Work-House and House of Refuge with meats, was referred to the respective committees on those institutions, and the balance to the Committee on Streets and Landings.

A communication from the Surveyor, reporting the contractor for repairing and rebuilding wharves in the Fourth District, for neglect of contract, was read and referred to the Committee on Streets and Landings.

A letter from the Street Commissioner, notifying the Board of the resignation of sundry lamp lighters, was read and referred to the Committee on Streets and Landings.

A communication from the Attorney, transmitting his opinion in relation to the removal of the Mayoralty to the Hall of the First District, having been read,

On motion of Mr. Bailey, the following resolutions, presented by Mr. Place on the 23d of November last, and referred to the Attorney, were read and adopted, the rules being dispensed with:

Resolved, That the Mayor's office shall be located in the building known as the City Hall, opposite Lafayette Square, First District.

Resolved, That a committee of three members from this Board be appointed to designate and prepare rooms for the occupancy of the Mayor, and when prepared, request his removal thereto.

The President appointed on the committee indicated in the resolution Messrs. Leeds, Watkins and Derbes.

MESSAGES FROM THE BOARD OF ALDERMEN.

A message was received from the Board of Aldermen, announcing the concurrence of that body in the following ordinances, resolutions and amendments, to-wit:

An ordinance chartering Red Rover Fire Company No. 16.

An ordinance concerning public balls, etc.

An ordinance defining the urban limits of the city.

A resolution (No. 69) authorizing the payment of sundry accounts.

A resolution appropriating $1000 to Protection Fire Company No. 19.

A resolution appropriating $300 to Red Rover Fire Company No. 16.

A resolution authorizing the purchase of curb and gutter stones.

A resolution to sell the contract for plank sidewalks in the Third District.

A resolution authorizing sale of contract for a bridge over the new canal.

A resolution for a joint meeting of the Common Council, with an amendment; and the amendments to

A substitute for the resolution authorizing the compilation of the ordinances of the late Municipalities and the city of Lafayette.

The resolution directing the City Attorney to proceed against the employees of the late Municipalities and City of Lafayette, having funds in hand belonging to said Corporations.

By the same message, the Board was informed of the appointment of Messrs. Harris, Converse and Burke as the committee on the part of the Board of Aldermen on the resolution relative to the salaries of the Assistant Clerks of the Recorders of the First and Second Districts.

By another message, the Board was informed of the adoption of, and invited to concur in, the following resolutions, viz:

A resolution authorizing the Surveyor to sell the iron belonging to the city.

A resolution granting permission to J. B. Valmoor to erect a blacksmith's forge.

A resolution approving the adjudication of various contracts.

A resolution allowing to Christian Jacobs the sum of seventy-five dollars for salary as Second Warden of the Work-house, Second District.

A resolution authorizing the Comptroller to sell at auction the contract for cleaning the privies of the Prisons, Court-houses, etc.

A resolution authorizing the Comptroller to issue a certificate of $1569 87 in favor of T. B. Blanchard attorney of Paul Quimper.

A resolution appropriating $1000 to Hook and Ladder Company No. 3, for a new truck.

A resolution authorizing the Mayor to enter into contract with Peter Kaiser for the construction of a plank road on Felicity street.

A resolution authorizing the Street Commissioner to place a lamp at the corner of Girod and St. John the Baptist streets.

Resolutions authorizing the Surveyor to have fitted up and repaired for wharves for the accommodation of towboats,

Resolutions relative to the adjudication of the markets.

On motion, the amendment of the Board of Aldermen to the resolution for a joint meeting of the Common Council, which was to substitute the 21st for the 14th inst., was concurred in.

The resolution authorizing the Surveyor to fit up four wharves for towboats—

The resolution authorizing the Mayor to enter into the contract with Peter Kaiser for the construction of a plank road in Felicity street—

The resolution authorizing the Surveyor to sell the iron belonging to the city—

The resolution authorizing the Street Commissioner to place a lamp at the corner of St. John the Baptist and Girod streets—

Were read and referred to the Committee on Streets and Landings.

The resolution granting permission to J. B. Valmoor to erect a blacksmith's forge, was read and referred to the Committee on Police.

The resolution approving the adjudication of various contracts—

The resolution allowing Christian Jacobs the sum of seventy-five dollars for salary as Warden of the Second District Work-house—

The resolution authorizing the issue of a certificate in favor of T. B. Blanchard, for fifteen hundred and sixty-nine dollars and eighty-seven cents, attorney for P. Quimper—

Were read and referred to the Committee on Finance.

The resolution appropriating one thousand dollars to Hook and Ladder Company No. 3, for a new truck, was read and referred to the Committee on Fire.

The following resolution was read a second time, the rules being suspended, and concurred in:

Resolved, That the Comptroller be, and he is hereby, authorized to sell at public auction, after ten days' notice in the official newspaper, the contract for cleaning the privies of the prisons, court-houses, and public offices of the city, in accordance with specifications on file in the Street Commissioner's office.

The yeas and nays being called on the adoption of the above resolution, resulted as follows:

Yeas—Messrs. Andrews, Bailey, Derbes, Dolhonde, Eustis, Heermann, Leeds, Nixon, Philbrick, Place, Shaw, Siewerssen, Stetson, Summers, Sykes, Watkins, Wiltz and Willson—18.

Nay—Mr. Ramos—1.

The following resolutions were read a second time, the rules being suspended, and concurred in, unanimously by yeas and nays:

Resolved, That the adjudication of the markets, as reported by the Comptroller, be approved.

Resolved, That the Comptroller shall resell, for account of C. Dortman, the collection of the revenues of the Poydras street market for the year 1853, after ten days' advertising in the official journal.

PETITIONS, ETC.

Of Volunteer Fire Co. No. 1, for a new house for said company; and of Red Rover Fire Co. No. 16, for an appropriation of $1250 for a new engine—were read and referred to the Committee on Fire.

Of S. W. Chandler, asking to be released from a contract bought by him; of sundry citizens, for the removal of the cattle and horse market to the corner of Common and St. Mark streets; of D. Bachino, to be reimbursed in the sum of two hundred dollars, in consequence of being wounded accidentally by a police officer; and of John Travis, to be allowed to establish a pistol gallery in Perdido street—were read and referred to the Committee on Streets and Landings.

Of sundry citizens, against the removal of the Vegetable Market, at the triangle of Annunciation, Tchoupitoulas and Poeyfarre streets, and of Mrs. Widow Luxenberg, offering to dispose of the property on Elysian Fields street, known as Luxenberg's Hospital, to the city—were read and referred to the Committee on Improvement and Building.

Of E. Cassilio, to be exempted from paying certain wharfage dues; and of P. Senzeneau, for extra pay for correcting the Assessment Rolls of the Third District—were read and referred to the Committee on Finance.

Of Wm. S. Mount, a Director of the Public Schools of the Fourth District, asking upon what terms the scholars of said schools can be admitted to the Public School Library of the First District—was read and referred to the Committee on Education.

Of Jno. Bensel, to be allowed a license for a half year—was read and laid on the table.

Of Mrs. Catherine Hartmann, to be exempt from paying license for keeping a grocery—was read and laid on the table, subject to call.

A petition for the right of way from the northern to the southern limits of the city for a railroad, from Messrs. Hill, Holbrook, Frost, Kendall and Carrall, having been read, was, on motion of Mr. Bailey, referred to a special committee of five, on which the President appointed Messrs. Bailey, Derbes, Dolhonde, Place and Watkins.

A petition of P. LeBesque, for return of taxes assessed and paid in error—having been read,

Mr. Derbes presented the following, the rules being suspended, and it was read twice and adopted unanimously by yeas and nays:

Be it Resolved, That the Finance Committee be, and they are hereby, authorized to withdraw all suits of the city for taxes past due, when they shall be satisfied that the tax sued upon has either been paid or erroneously assessed.

A petition of A. Blondeau and E. Mader, relative to the lunacy of A. C. Martelly, having been read,

Mr. Derbes offered the following, and the rules being suspended, it was read twice and adopted:

Resolved, That Alex. C. Martelly, a lunatic, and in indigent circumstances be, and is hereby, declared a fit subject for the State Lunatic Asylum.

The yeas and nays being called on the passage of the above resolution resulted as follows:

Yeas—Messrs. Andrews, Bailey, Derbes, Dolhonde, Eustis, Leeds, Ramos, Shaw, Siewerssen, Stetson, Sykes, Watkins, Wiltz and Willson—14.

Nays—Messrs. Heermann, Nixon and Summers—3.

A letter from F. Sancho, the farmer of the dues in the sale of oysters on the Levee of the Second District, between the two Markets, notifying the Board of the expiration of his contract, having been read,

Mr. Derbes offered the following, the rules being suspended, and it was read a second time and adopted unanimously, by yeas and nays:

Resolved, That the Comptroller be, and he is hereby, requested to sell to the highest bidder, after ten days' notice in the official paper, the privilege of collecting during one year from the first of January, the dues from persons selling oysters on the Levee, between the two Markets of the Second District, according to existing ordinances; the purchaser to give his notes with good and solvent surety, to the satisfaction of the Finance Committee, at three, six, nine and twelve months from the date of sale.

Resolved, That the present farmer be authorized to continue the collections as heretofore until the new contract be signed; and that a commission of ten per cent. be allowed to him on all moneys paid in the Treasury, arising from said collections.

A communication from Geo. A. Cronan, protesting against being required to repair streets on his contract, which repairs he represents are made necessary by the too free use of water from sprinkling-carts, etc., having been read,

On motion of Mr. Baily, the rules were suspended, and the ordinance presented by him on the 12th of October last, relative to sprinkling and watering streets, was called up for a second reading.

The ordinance being before the Board and being read,

Mr. Eustis moved to lay it on the table indefinitely, which was lost.

Mr. Shaw moved to amend by striking out the words "and to prohibit the sprinkling whenever the streets are damaged thereby," which was carried by the following vote:

Yeas—Messrs. Andrews, Derbes, Dolhonde, Eustis, Heermann, Leeds, Nixon, Place, Ramos, Shaw, Stetson, Sykes and Wiltz—13.

Nays—Messrs. Bailey, Forbes, Summers, Watkins and Willson—5.

And the ordinance, as amended, was read and adopted as follows:

Whereas, Great injury is done to the paved streets of the city by what is called sprinkling, but which is more properly flooding them, to allay the dust, and as no benefit whatever arises from such injudicious sprinkling, but great damage is thereby done to the pavements, and a heavy expense constantly required to keep them in repair: therefore,

Be it ordained, That from and after the passage of this ordinance it shall not be lawful for any person to open any fire-plug, or to attach hose thereto for the purpose of watering or wetting any street in this city, under a penalty of ten dollars for each offence.

And be it further ordained, That all persons are forbid from sprinkling or wetting any street by means of a sprinkling-cart, without having first obtained permission from the Street Commissioner, whose duty it shall be to superintend the watering or sprinkling of the streets, and who shall have power to regulate the manner of doing the same, and any person or persons who shall refuse to obey the directions of the Street Commissioner, or act contrary to this ordinance, shall be subject to a fine of ten dollars for each offence.

Mr. McCormack appeared and took his seat.

STANDING COMMITTEES.

Mr. Place, on behalf of the Finance Committee, presented the following report and resolutions, and the rules being suspended, they were read a second time and adopted unanimously by yeas and nays:

The Finance Committee, to whom was referred sundry communications, petitions, etc., have duly considered the same and beg leave to offer the following report, to-wit:

The proposition of R. F. Nichols to complete the purchase entered into by the said Nichols and the late Municipality No. 2, agreeably to an ordinance of the Second Municipality Council, No. 3229, passed 1st April, 1851, and approved 7th April, 1851, of two certain lots of ground designated by numbers four and three, on a plan drawn by Joseph Pilie, Surveyor of Municipality No. 2, dated April 19, 1841, on file in the Comptroller's office, fronting on Poydras street and being the corner and next to the corner of Carondelet street, measuring each twenty-seven feet six inches front by a depth of one hundred and two feet four inches, between parallel lines, originally leased to E. W. Sewell for the term of twenty-five years, under the provisions of an ordinance adopted on the 27th April, 1841, be and the same is hereby accepted, conditioned on the payment by the said Nichols of the sum of twelve thousand dollars in cash, and the ground rent to be paid to the date of completion of the act of sale. The said R. F. Nichols was debarred from fulfilling his part of the contract at the date of purchase, on account of certain judicial mortgages on said lots.

The petition of C. N. Coignard, late acting Treasurer of Municipality No. 3, asking compensation for services rendered during a part of the month of May in the delivery of the books and papers of his office, recommend the payment of the same and offer the necessary resolution.

The reports of the several Recorders and their clerks, relative to the receipts of fines in their departments, your committee report that the amounts have been paid into the Treasury, with the exception of the fines collected by the Recorder of the Fourth District from the 12th of April to 1st November, amounting to one thousand and sixteen dollars, for which amount the Attorney has been instructed to bring suit.

L. H. PLACE,
THOS. L. LEEDS,
V. HEERMANN,
FRS. SIEWERSSEN.

Resolved, That the Mayor be, and he is hereby, authorized and requested to sign the Treasury deeds of transfer to R. F. Nichols of two certain lots of ground designated by numbers four and three on a plan drawn by Joseph Pilie, Surveyor of Municipality No. Two, dated April 19, 1841, on file in the Comptroller's Office, fronting on Poydras street and being the corner and next to the corner of Carondelet street, measuring each twenty-seven feet six inches front by a depth of one hundred and two feet four inches, between parallel lines, to be drawn up by the Notary of the city upon the payment by said R. F. Nichols of the sum of twelve thousand dollars cash, and the ground rent on said lots to be paid up to the date of act of sale.

Resolved, That the Treasurer pay on the warrant of the Comptroller to C. N. Coignard, late acting Treasurer of Municipality No. Three, for services rendered, the sum of sixty-two dollars and fifty cents.

Resolved, That the resolutions numbers three hundred and sixty-seven and three hundred and sixty-eight, authorizing the Mayor to enter into the necessary contracts with John Paul, principal, and J. H. Boon, security, for the erection of a new roof to the engine-house of Creole Company No. 9; and for the construction of a nuisance boat, and the furnishing the necessary buoys, chains, etc., be, and the same are hereby, amended by substituting Isaac W. Born, security, in lieu of J. H. Boon.

Resolved, That article three of ordinance No. sixty-nine, regulating the duties of the Physicians of Prisons, Work-houses, etc. etc., of the city of New Orleans, be so amended as to make it the duty of the Physicians of each District to sign every certificate of inquest, at which, by virtue of said ordinance, they are bound to attend.

Resolved, That the Treasurer pay the following sums on the warrant of the Comptroller, viz:

To L. F. Hezeau, for interments in the Cemetery of St. Vincent de Paul, forty-eight dollars.

To C. H. Benton, for insurance effected by him on draining machine, Fourth District, one hundred and eighty-four dollars and seventy-one cents.

To Samuel Caldwell, for sundries purchased by him for the use of the Police Jail, Fourth District, twenty-three dollars and eighty-eight cents.

To Chas. McLaughlin, for conveying sick to the Charity Hospital, three hundred and thirty-two dollars and fifty cents.

To Louisiana Courier, for advertising, nine dollars.

To Wm. Flemming, for stationery furnished sundry offices, Fourth District, twenty-five dollars and ten cents.

To E. E. Mongin, for medicines furnished the Parish Prison and Police Jail, Second District, two hundred and twenty-one dollars and sixty-three cents.

To C. Flint & Jones, for chairs and desk for Wharfinger's office, Second District, sixteen dollars and fifty cents.

To Thomas Tormey, for repairs to bridges, Second District, twenty-seven dollars.

To L. Zorn, Sexton, for tolling the bell of St. Patrick's Church for the death of Henry Clay, six dollars.

To B. Kennedy, for hauling block stones, thirty-nine dollars.

To J. H. Maddox, for advertising tax bills, sixty-five dollars and twenty-five cents.

To Cruse & Boyle, for repairs to engine-house of Fire Company No. 15, twenty-five dollars.

To H. Paul Caire, Notary, for copy of Notarial Act, five dollars.

To E. S. Hermann, for bricks and sand for Police Jail, Second District, five dollars.

To E. A. Michel, for sundries, sixteen dollars and seventy cents.

To D. Adams, for ballast, and for repairs on Tchoupitoulas street, thirty dollars.

To Commercial Bulletin, for advertising, four dollars.

To Battalion of Artillery, for proportion of expenses due by Third Municipality incurred on 8th January last, nineteen dollars and fifty cents.

To G. Doane, for sundries, one hundred and fifty dollars.

Mr. Place, on behalf of the same Committee, presented the following report, which was adopted:

The Finance Committee, to whom was referred the communication of W. W. W. Wood, clerk of the Recorder of the Second District, relative to fees received and retained by him whilst in the discharge of his official duties, beg leave to report, that they have called upon the City Attorney for his opinion concerning the same, which, together with the communication is respectfully submitted, and ask to be discharged from the further consideration of the subject.

L. H. PLACE,
THOS. L. LEEDS,
FRS. SIEWERSSEN,
V. HEERMANN.

On motion of Mr. Place the following documents accompanying the above report were ordered to be printed with the proceedings:

RECORDER'S COURT, FIRST DISTRICT,
New Orleans, Nov. 30, 1852.

The Honorable the Common Council of the City of New Orleans:

GENTLEMEN: In reply to a resolution of your honorable body, approved November 24, 1852, directing "the Recorders of the several Districts to report to the Common Council forthwith, the amount of fines, bond affidavit, release bond and all other fees collected in their respective Districts since the consolidation of the city," I am directed by the Honorable the Recorder of the First District respectfully to state, first: He has received neither fines (which have been collected by me) nor fees since the consolidation of the city; second: contravention of ordinances have not been reported to him, consequently no action could be taken on them by him. He has been advised they have been referred to Justices of the Peace, or paid without reference. The accompanying copy of a letter, addressed by me to his Honor the Recorder, is given as a further answer, though unsolicited by your honorable body or by Recorder Winter.

Respectfully, your ob't serv't,
W. W. W. WOOD, Clerk Rec. First Dis.

CLERK'S OFFICE, RECORDER'S COURT, FIRST DISTRICT,
New Orleans, November 30, 1852.

The Honorable J. L. Winter, Recorder, etc.

SIR—I have the honor to inform you that since the consolidation of the city, to-wit: 12th April last, to date, the sum of $1162 15, being for fines assessed by you and paid over to me, is the total amount so collected, and has been duly reported, audited and paid into the City Treasury.

On entering upon the discharge of the duties devolving on me as Clerk of your Court, I learned that it had been the *ancient custom* of the office to receive one dollar for each bond taken, fees for making copies of various papers, such as testimony, etc., for counsel and others, and $5 fees for each free person of color arriving in the State in contravention of law on vessels, and who were required to be taken out of the State again by the masters thereof. For this last charge more than *ancient custom*, to-wit: the acts of 1842 made provision. Such (I am and was advised) was the practice of *my predecessors without exception*, since the institution of Recorders' Courts. Under a law of 1852, (approved March 18,) free persons of color arriving on board of vessels may remain on board said vessels, on the masters executing the bond and penalty prescribed under the old law, and may land, on obtaining a passport; whereas, formerly they were required to be committed to prison. This facilitates commerce. The master now reports, executes the bond and penalty and procures a passport. For this bond and passport, less than half the fee allowed is deemed sufficient, and the old charge is never thought of. In view, then, of the old usage, with the exception just stated, the several Clerks of the Recorder's Courts have deemed themselves competent to receive fees as above described, and none other. But this matter having engaged the attention of the Honorable the Common Council, who neither allow nor disallow fees of office, the Clerks have, for a moment, doubted the propriety of observing merely ancient custom, and have examined the laws on the subject. From these we find: First. Recorders' Courts are State Courts of criminal jurisdiction, and on this point we refer to the various acts, from 1805 to date, concerning these Courts, to the Constitution of 1845, the fundamental law of the State and the City Charter itself, a law of 1852. Second. The Recorder's Clerks are Clerks of these Courts, deduced from the same authorities. Third. The Recorders' Clerks are entitled to charge fees, for the City Charter, which expressly prohibits the Mayor, Recorders and Police from receiving any fee, or other compensation than their salary, does not in anywise forbid the Clerks from receiving fees; nor does it give them any other notice than prescribing their duties, and requiring the Common Council to fix their salaries. On the other hand, the City Charter does not permit the Council either to allow or disallow fees, *leaving existing laws in force*. The acts of 1846, section 1, relative to fees, says: "The several Clerks of Courts throughout this State shall be entitled to demand and receive the following fees of office, etc." Now we, being a portion of the several Clerks of Courts throughout the State, deem ourselves within the purview and meaning of that act, the 5th section of which prescribes the peculiar fees, to-wit: The same fees as the Clerk of the Criminal Court of the First Judicial District, and provides *for these fees in addition to a salary*. On this showing, then, and with the law and ancient custom to endorse us, we feel we are well entitled to charge bond fees, etc. The Clerk of the First District Court of this city receives $1500 per annum salary, besides his fees of office, and this by the very last law on the subject, to-wit: acts of 1846. What is this salary for? Why for *State* business peculiarly and exclusively, and for which there is no special provision. Now, I receive $12 0 per annum salary. For what? I refer you to the duties of Recorders' Clerks, prescribed in the 27th section of the City Charter and the city ordinances. But is that *all* of my duties? The *State laws* point out *many* others which it is unnecessary to enumerate, and it is for duties performed on behalf of the State for those prosecuting and prosecuted, and onerous duties, too, that I am entitled to charge *fees* in *addition* to my *salary*. No fees have been received for affidavits, warrants, subpœnas, etc. I have kept no fees account. The Clerks, through me, have addressed communications to the Hon. Attorney General of the State, and to the District Attorneys of this and the adjoining (Jefferson) District, a copy of which I enclose. This communication was predicated on a statement made to me by the Clerk of the Second District, (Mr. Bozonier,) in your presence, that the Attorney General had verbally expressed himself as entertaining views similar to those entertained by us. The Attorney General, from, I regret to learn, domestic affliction, has been unable to answer our note. The District Attorney of this District has addressed a letter to the Attorney General, (a copy of which I have) assuming the position and citing law to show that we are Clerks of State Courts of criminal jurisdiction, and the District Attorney of Jefferson (in which is comprised the Fourth District of this city,) answers us in detail, fully sustaining our course. I enclose a copy of his letter. This communication and these copies I send you, sir, that friends as well as opponents, social or political, may know and appreciate our rights and privileges, and the palpable rectitude of our course.

I have the honor to be,
Very truly, your ob't serv't,
W. W. W. WOOD,
Clerk Recorder's Court, First District.

P. S. The copies referred to will be furnished the Board at its next sitting—want of leisure to-day having prevented their preparation.
W.

OFFICE CITY ATTORNEY, No. 46 Camp st.,
December 13, 1852.

To Finance Committee:

GENTLEMEN—I beg leave to return to you the communication of Mr. W. W. W. Wood, clerk of the Recorder of the First District, addressing the Council in his own behalf as well as in behalf of the clerks of the Recorders of the other Districts, transmitted to me by your Secretary on the 7th inst.

In my opinion the position taken by Mr. Wood is entirely untenable. One of the prominent objects of the present charter of the city, is to repress all irregular charges of the officers of the city, and to pay its officers by *salaries* and not by *perquisites*.

The twenty-third section of the charter is clear and explicit. Its language is, "nor permit the compensation of any salaried officer to be increased by allowing him any fees for the performance of any duty imposed on him by this law or by said Common Council."

By the thirty-third section clerks of the Recorders are salaried officers, and the salary is fixed by the Common Council.

I remain, very respectfully, your ob't serv't,
THOS. K. WOLFE, City Attorney.

Mr. Stetson, on behalf of the Police Committee, presented the following report, which was read twice, the rules being suspended.

The Police Committee, to whom was referred the resolution of the Board of Aldermen, refusing a license to Dan Rice for a circus in St. Charles street, opposite Perdido street; a petition of said Rice to be allowed to remain for four months, and for the issue of a license to that effect; and the petition of citizens for and against the same, beg to report, that they have carefully examined the subject, and have been led to the following conclusions, viz: That, inasmuch as the majority of residents and occupants in the vicinity are in favor of its continuance, and represent that they and their business is benefited by said circus being located where it is, their interests should be first consulted, they being the parties most directly interested. Mr. Rice only asks that he be allowed to continue where he is for four months, and taking the above view of the subject, the committee feel bound to report in favor of the petition of the majority and against the resolution of the Board of Aldermen. They offer the following:

H. G. STETSON,
S. W. PHILBRICK,
EMILE WILTZ,
L. BURTHE.

Resolved, That permission be and is hereby granted to Dan Rice, to continue his circus in its present location on St. Charles street for four months from the promulgation of this resolution, and that a license issue to him accordingly for one year, location after four months subject to further action by this Council.

Resolved, That a license be issued for one year to Mr. Dan Rice, to exhibit his Museum of Natural Curiosities, on the corner of Poydras and St. Charles streets, he paying the usual price for the same.

A motion of Mr. Stetson for the adoption of the first resolution was carried by the following vote—a motion of Mr Forbes to divide the subject having been carried:

Yeas.—Messrs. Andrews, Derbes, Dolhonde, Eustis, Heermann, Leeds, McCormack, Nixon, Philbrick, Place, Ramos, Shaw, Stetson, Summers, Watkins, Willson and Wiltz—17.

Nays.—Messrs. Bailey and Forbes—2.

A motion of Mr. Stetson for the adoption of the report and second resolution was carried.

The said report being adopted, the resolution of the Board of Aldermen refusing a license to Dan Rice for a circus on St. Charles street was consequently rejected.

Mr. Stetson, on behalf of the same committee, presented the following reports and resolutions, and the rules being suspended, they were read a second time and severally adopted:

The Police Committee, to whom was referred the petition of E. Petin, asking the use of Lafayette Square for the purpose of experimenting in aerial navigation, beg to report that they have considered the same, and after mature deliberation, although opposed to granting the use of the public squares of the city for any exhibition, are inclined to grant, in this instance, the prayer of the petitioner, inasmuch as he represents to the committee that no other suitable place can be found in this city, which he has visited for the purpose of prosecuting a theory which he believes will ultimately result in a fixed fact. Without discussing the merits of the subject or the probability of his realization of what he considers a feasible project, viz: the navigation of the air by balloons—the committee conceive that he is engaged in a scientific labor, and in the prosecution of such should be encouraged and stimulated as far as compatible. The committee feel bound to extend to art and science a helping hand, believing that in fostering them they benfit the community equally with any individual who seeks to elevate, and asks assistance in their propagation. Under these circumstance, the committee report in favor of petitioner's prayer, and offer the following resolution:

H. G. STETSON,
S. W. PHILBRICK,
EMILE WILTZ,
L. BURTHE.

Resolved, That the use of Lafayette Square be granted to E. Petin, for the purpose of experimenting in aerial navigation, for a period of one day.

The Polic Committee, to whom was referred the petition of Messrs. Whiting, Wright & Co., asking permission to occupy a brick building now erecting on Perdido and Union streets, as a livery stable, have had the same under consideration, and beg leave to recommend that the petition be granted.

H. G. STETSON,
S. W. PHILBRICK,
EMILE WILTZ,
L. BURTHE.

Resolved, That permission is hereby granted to Messrs. Whiting, Wright & Co., to occupy the brick building now erecting on Perdido and Union streets, as a livery stable, during the pleasure of the Council, providing the police regulations relative to the same be strictly complied with.

Mr. Stetson presented the following, which was read twice, the rules being suspended, and adopted:

The Police Committee, to whom was referred the petition of W. H. Filkins, asking permission to continue a small steam engine and boilers now used by him on the corner of Broome and Magazine streets; also to have two suits recently instituted against him by the Street Commissioner withdrawn, have had the same under consideration and beg leave to report favorable, and offer the annexed resolutions.

H. G. STETSON,
S. W. PHILBRICK,
EMILE WILTZ,
L. BURTHE.

Resolved, That permission be, and is hereby, given to W. H. Filkins to continue the engine and boilers now in use by him on the corner of Magazine and Broome streets, provided he cause the shed over the boiler to be made fire-proof; to conform to existing fire ordinance, within thirty days from the passage of this resolution.

Resolved, That the suits now pending against W. H. Filkins, for violating city ordinances, be withdrawn upon his paying all costs on same, provided he puts his shed over his boiler in such order as will be satisfactory to the Street Commissioner.

The question being divided, the yeas and nays were called on the adoption of the first resolution, and resulted as follows:

Yeas—Messrs. Bailey, Derbes, Dolhonde, Eustis, Forbes, Heerman, Leeds, Nixon, Philbrick, Place, Ramos, Shaw, Stetson, Summers, Watkins, Willson and Wiltz—17.

Nay—Mr. Andrews—1.

The yeas and nays being called on the adoption of the second resolution, resulted as follows:

Yeas—Messrs. Eustis, Forbes, Heermann, Leeds, McCormack, Nixon, Philbrick, Ramos, Shaw, Stetson, Summers, Sykes, Watkins and Wiltz—14.

Nays—Messrs. Andrews, Bailey, Derbes, Dolhonde, Place and Willson—6.

Mr. Nixon asked and obtained leave of absence for the remainder of the session.

Mr. Summers arose, at the call of the Committee on Improvement and Building, and claimed the privilege of introducing a minority report and a resolution, signed by himself only, on behalf of said committee.

The President decided him out of order, and that no minority report could be received unless the majority also reported:

Mr. Shaw appealed from the decision of the Chair, and called for the yeas and nays, when said decision was sustained by the following vote:

Yeas—Messrs. Andrews, Derbes, Dolhonde, Eustis, Heermann, Leeds, Philbrick, Place, Ramos, Stetson, Sykes, Watkins, Willson and Wiltz—14.

Nays—Messrs. Bailey, Forbes, McCormack, Shaw and Summers—5.

SPECIAL COMMITTEE.

Mr. Derbes, on behalf the Special Committee appointed on the 27th of October last, to consider the claims of Messrs. Bell & Buckley, presented the following resolution, which was read twice, the rules being suspended, and adopted unanimously by yeas and nays:

Resolved, That the Comptroller be, and he is hereby, authorized to issue his warrant on the Treasurer, in favor of Thomas Buckley, for the sum of one hundred and forty dollars and eighty cents, for paving done in front of property belonging to the city.

Mr. Eustis moved to adjourn, which was lost.

ORDER OF THE DAY.

The majority and minority reports of the Committee on Improvement and Building, presented on the 7th inst. by Messrs. Leeds & Burthe, came up as the order of the day.

On said reports being read,

Mr. Eustis moved the adoption of the minority report, which was carried, and it was adopted as follows:

The majority of the Committee on Improvement and Buildings beg leave to report in favor of the resolution adopted by the Board of Aldermen, authorizing the Comptroller to sell at auction the contract for the construction of an iron railing to Washington Square, and respectfully recommend concurrence therein.

L. BURTHE,
J. B. DOLHONDE.
GEO. EUSTIS, JR.

The said report being adopted, the following resolution of the Board of Aldermen was read and concurred in:

Resolved, That the Comptroller sell at auction, to the lowest bidder, after twenty days' notice, the contract for the construction and erection of an iron railing to Washington Square, in accordance with plans and specifications on file in the Surveyor's office; terms of payment, cash, on completion of the work.

The yeas and nays being called on the motion to concur in said resolution, resulted as follows:

Yeas—Messrs. Andrews, Derbes, Dolhonde, Eustis, Forbes, Heermann, Nixon, Ramos, Stetson, Sykes, Watkins, Wiltz and Willson—13.

Nays—Messrs. Bailey, Leeds, Philbrick, Place, Shaw and Summers—6.

The rules being dispensed, the President gave a vote in favor of the said resolution.

Mr. Leeds moved to adjourn, which was lost.

The ordinance for the government of the House of Refuge, presented by Mr. Willson on the 15th of October last, came up as the order of the day.

Mr. Willson offered the following as a substitute, to lay over:

Resolved, That the Commissioners of the House of Refuge be required to remove with the least possible delay the inmates of that Institution, both male and female, to the Work-house of the Third District, which shall be known as the House of Refuge during the pleasure of the Common Council.

RESOLUTIONS.

The rules being suspended, Mr. Forbes presented the following resolution, which was read twice and adopted:

Resolved, That the following persons are hereby appointed Inspectors and Clerks of the Election to be held on the fourth Monday (27th of December next) at the places hereinafter described:

First Precinct—At P. Kramer's corner of Annunciation and Race streets. Inspector, James Ross. Clerk, John C. Taylor.

Second Precinct—At J. Henderson's coffee-house, Horse Station. Inspector, E. B. Osborne. Clerk, J. A. Adde.

Third Precinct—At Fulton School House. Inspector, T. M. Converse. Clerk, McNus Brown.

Fourth Precinct—At Engine House No. 18. Inspector, Thomas H. Shields. Clerk, L. B. Horne.

Fifth Precinct—At Engine House No. 2. Inspector, W. H. Filkins. Clerk, McCauley.

Sixth Precinct—At Louisiana Hose Company's House, corner of Carondelet and Perdido streets. Inspector, Lemard Craigen. Clerk, A. Mason.

Seventh Precinct—At A. O'Donnell's, Poydras street. Inspector, P. Dowling. Clerk, S. G. Rick.

Eighth Precinct—At Conti Street Hotel. Inspector, A. Saucier. Clerk, J. Magne.

Ninth Precinct—At Engine House No. 15, Bagle and Conti streets. Inspector, H. C. Rosier. Clerk, E. Bouligny.

Tenth Precinct—At Jefferson coffee-house, Chartres street. Inspector, P. LeBlanc. Clerk, J. Smith.

Eleventh Precinct—At Orleans coffee-house, Orleans street. Inspector, Valcour Fortier. Clerk, C. A. Caraby.

Twelfth Precinct—At F. Altman's coffee-house, corner of Magnis and Orleans streets. Inspector, J. Cholon. Clerk, E. Flanchard.

Thirteenth Precinct—At Engine House No. 4, Hospital street, between Royal and Bourbon streets. Inspector, C. J. Schmichen. Clerk, Leon Sero.

Fourteenth Precinct—At coffee-house, east corner of Bayou Road and St. Claude street. Inspector, M. Barnett, Sr. Clerk, John Baron.

Fifteenth Precinct—At Public School House, Greatmen street. Inspector, J. B. Wiltz. Clerk, E. Johnson.

Sixteenth Precinct—At the School House in Breton Market, on the Bayou Road. Inspector, A. Treme. Clerk, J. Dwingenand.

Seventeenth Precinct—At Washington Hotel. Inspector, H. Dart. Clerk, Jacob Meyers.

Eighteenth Precinct—At Engine House, No. 8. Inspector, W. W. Burton. Clerk, T. B. Heart.

Nineteenth Precinct—At Mexican Gulf Railroad Depot. Inspector, Joseph Flores. Clerk, John Burke.

Twentieth Precinct—At M. Gare's, corner Montegut and Royal streets. Inspector, A. Bourges. Clerk, John Laidlaw.

Twenty-first Precinct—At Chenesville's House, Congress and Levee streets. Inspector, N. Treme. Clerk, A. Treme, Jr.

Twenty-second Precinct—Tenth Ward, Fourth District, at the Court-House. Inspector, W. C. Goodrich. Clerk, T. S. Elliot.

Twenty-third Precinct—Eleventh Ward, Fourth District, at Engine House, No. 23. Inspector, D. S. Dewees. Clerk, Henry Yard.

Mr. McCormack moved to suspend the rules for the purpose of introducing a resolution, which was carried by the following vote:

Yeas—Messrs. Andrews, Derbes, Dolhonde, Eustis, Forbes, Heermann, McCormack, Ramos, Shaw, Stetson, Summers, Sykes, Willson and Wiltz—14.

Nays—Messrs. Bailey, Leeds, Philbrick and Watkins—4.

The rules being suspended, Mr. McCormack presented following, which was read twice and adopted:

A resolution to put in force a resolution passed sometime since, instructing the City Surveyor to report a plan and specifications of a Draw Bridge across the canal at the mouth of St. Paul street.

Resolved, That a Special Committee of three be appointed by the chairman, to call upon the City Surveyor, and insist upon his reporting according to the resolution heretofore passed, as soon as it is in his power so to do.

On motion of Mr. Andrews, the Board adjourned to Tuesday next, the 21st inst., at six o'clock P. M.

WALTES H. PEYERS, Sec'y.

MAYORALTY OF NEW ORLEANS, Dec. 15, 1852.
COMMON COUNCIL OF THE CITY OF NEW ORLEANS.

No. 473.

Resol