NEW ORLEANS:

FRIDAY MORNING, MARCH 18, 1853

SUPPLEMENT TO THE DAILY CRESCENT.

OUR NEW ORGAN IN C HURCH.

The village of Westwerwick is situated in the far north of England, and, almost on the coast. The neighboring country is not picturesque, being remarkable chiefly as a coal district. It is true, there are hills in the distance; but they are so distant they look almost like clouds on the horizon. Immediately round the village, it is quite flat, with the exception of the little eminences which generally lead up to the mouths of the coal pits. There is no luxuriant vegetation to compensate for the want of variety of surface, no shady foliage, no fertile fields, no green meadows, nothing but bleak, sandy moorlands—sometimes bare, sometimes turfy, sometimes, as they approach the sea, scantily covered with the stiff, rushy beach-grass; while mounds of ashes by day, and red flames by night, mark the coal pits, and form the distinguishing feature of the country. But this bleak district has a beauty of its own in its coast scenery. From these moors, bold, rocky, rugged cliffs descend, sometimes abruptly into the sea, sometimes on a hard, flat, yellowish beach, on which the waves of the German Ocean roll in for miles and miles. Not above a quarter of a mile from the shore stands the village, which is straggling and dirty—the houses built of stone, and roofed with red tiles. The villagers and their families are chiefly colliers. At one end of the village there is a small new church without a chancel—too much in appearance like a town church to be interesting—surrounded by a new made grave yard, grassy, and neatly kept, but with none of those mouldering monuments, and solemn, shadowing yews which bestow a deep though mournful interest.

At the time of which I am speaking, the aristocracy of the village consisted of Mr. Selby, a worthy solicitor, who practiced in the neighborhood, and family; Mr. Moore, lessee of the coal pits, and his daughter; the surgeon and his wife; and the clergyman and his sister; besides my sister and myself—two middle aged spinsters, in easy though not wealthy circumstances. The Moores and the Selbys had not been on speaking terms for many years—the origin of the quarrel had been some trifling difference between Mr. Moore and Mr. Selby about a parish road. By degrees, the breach was widened till it had become almost irreparable. Now, at the distance of ten years, there was apparently much less prospect of reconciliation than when the evil was new. Yet neither Mr. Moore nor Mr. Selby was a bad man. The former was warm-hearted and warm-tempered, equally vehement in his likings and dislikings, ready to forgive when forgiveness was asked, but determined not to be the first to sue for pardon. Mr. Selby was a man of colder temperament, more just, but not so generous. He was high principled, and his reputation as a lawyer was honorable in the extreme. He had been chiefly incensed at Mr. Moore, because the latter had, in the heat of passion, said something which seemed to reflect upon his veracity and good faith in some way or other, and he insisted on his making an apology, to which Mr. Moore had replied: "That he had never in his life said anything which required an apology, and that, therefore, he did not intend ever to make one, and he was not going to be domineered over by Mr. Selby." Mr. Selby "would not suffer himself to be insulted with impunity." And thus for the present the affair ended. The quarrel had made them both unhappy, but neither of them would pronounce the few words, which might have terminated it.

It may be imagined that this rupture did not tend to increase the cheerfulness of our little society at Westwerwick. There was always wanting now at our little meeting either the genial mirthfulness of Mr. Moore, or the clear, good sense of Mr. Selby, for they could not be invited together. The surgeon and his wife, and the clergyman and his sister, deplored with my sister and myself the estrangement which had taken place between our village magnates; and many a time, to use a homely phrase, we laid our heads together to devise a plan for a reconciliation; but always in vain. As the young people of the two families grew up, it seemed even sadder. More especially, I pitied poor Ellen Moore. There was a large family of the Selbys, and they made a merry circle of young men and women among themselves; but Ellen was quite solitary, as she had no mother, and during all the day her father was engaged with his business. Often she would come down with her work, and spend the morning with my sister and myself; or, when the health of the former would permit me to leave her—for my sister was a great invalid—I occasionally passed an hour with Ellen at Sea-view House, which was only about a quarter of a mile from the village.

Sea-view House was a very charming residence. It was situated at the top of a high cliff, just at some distance from the edge, the intervening space filled with a smooth, green lawn, from which a zig-zag path, cut in the rock, led to the smooth sands beneath. The house itself was large, cheerful, and luxuriously furnished, and commanded from almost every window a view of the rock-bound coast, with its innumerable creeks and headlands, washed by the illimitable sea, which spread round and round, and away and away to the far horizon. At the end of the house furthest from the sea, were the garden and green-house; and behind an orchard. As I have said, I had often suspected Ellen was dull; but she never complained. At last, one day, when she and I were sitting at work together in an upper chamber, from which, besides the sea-view, there was a glimpse of the public road, along which, just then, a party of the young Selbys on horseback were passing, laughing and talking, she sighed gently. As I looked at her she colored, and then said, with some hesitation: "I know it is wrong, dear Miss Madeline, with so much to make me happy; but I do feel dull sometimes."

"Nothing more natural, my love," I replied. She continued: "I cannot help thinking how I used to enjoy going to the Hall to play with the Selbys, and what friends Kitty and Julia and Robert I used to be. When I was at school I did not think often of these days, but now I seem to be thinking of them always—I feel so lonely sometimes. It is so different with the Selbys. I dare say they never think of me, Miss Madeline."

"Indeed, Ellen, you wrong them. Kitty and Julia often speak of you; and Robert, who, I dare say, you know has returned from Newcastle, and become his father's partner, was asking me very kindly about his old playmate only yesterday. And even Mr. Selby himself remarked one day, what a sweet, lady-like girl Ellen Moore was, and that you always used to be a pet of his." As I spoke, Ellen's face, which before had been somewhat pensive, broke into smiles.

Ellen was a pretty girl, with a slight, flexible figure, gentle, sensitive expression, and massy braids of glossy black hair. Although she looked pleased, she did not, however, continue the subject, and said, after some minutes' silence: "I have been wishing for a long time we had a new organ and choir in the church; these scraping fiddles, and that poor old John Morris's screeching, are dreadful."

"It would be indeed delightful," I answered—for my ears had suffered martyrdom for some years from causes to which Ellen had alluded—"but I fear there is little hope for us. An organ would be beyond our means, and who would play it, if we had one?"

"Why, you and I, dear Miss Madeline; and perhaps Kitty Selby; she used to play nicely on the piano. And as to the cost, I was speaking to papa about it the other night, and he and I will give fifty pounds as our share; and if you and Mr. Jones could help us to collect subscribers for the remainder, we could get a very nice little organ for a hundred pounds. And then we might teach some of the village children to sing."

"It would be charming, indeed, dear Ellen," I said, "if it could be managed."

"Now don't say *if*, Miss Madeline: it must and shall be managed."

On my way home I met Mr. Moore, and spoke to him of his daughter's suggestion. "Yes," he said, "was it not a capital idea of Ellen's? I am so glad she thought of it instead of any of the Selbys; because in that case I could have had nothing to do with the business. It would have looked as if I had wished to truckle to these people."

It was agreed by the rest of the village society, who were one and all charmed with the idea of the new organ, that I should break the matter to the Selbys. Accordingly, one fine summer evening I bent my steps in the direction of Westwerwick Hall, as it was more commonly called. The golden rays of a summer sunset were streaming on the lawn, and the purple and crimson clouds were mirrored on the still surface of a small sheet of water which bathed the foot of the green slope. The Selbys were all assembled in front of the house, to enjoy the beauty of the summer evening, and welcomed me cordially. The moment seemed auspicious; and as soon as our mutual greetings were over, I entered on the subject of my mission, merely saying, however, with a sort of diplomatic caution, "It had been proposed."

The notion was hailed with delight by all the party. At last Mr. Selby inquired;

"And is it to you, Miss Madeline, we are indebted for this excellent suggestion?"

"No," I answered, intrepidly but with some little misgiving; "the credit is due to Miss Moore."

"Miss Moore? I am glad it was *Miss Moore*. If it had been her father—. But no; one ought not to allow one's private feelings to interfere with the public good. If a thing is right, it ought to be supported, no matter whence it emanates. Fifty pounds, you say, have already been subscribed; you may put my name down for twenty-five."

I then, as I had been instructed, spoke of forming a choir, saying that Ellen Moore, relieved occasionally by myself, was to play the organ.

"Ellen Moore!" cried the girls, in delight. "Then we shall see dear Ellen Moore again."

"Pretty Ellen Moore!" said Robert Selby. "What a sweet tempered little thing she used to be!"

"Yes," I said, "and still as sweet tempered as ever. She was asking all about her old playfellows the other day."

"Poor thing!" said their father; "she must lead rather a solitary life. I am sure, if she and my young people choose to be friendly, I have no objection, though her father is an insolent, obstinate madman. I do not confound the innocent with the guilty, Miss Madeline. Ellen is only the more to be pitied."

I went home, charmed with the success of my commission, and not without a hope in my heart, that our new organ might in some way or other be productive of a yet more important harmony than that which was to supersede old John Morris and the fiddles. And now nothing was talked of and thought of at Westwerwick but the new organ. Ellen Moore looked livelier than I had seen her for a long time. It struck me she was pleased and excited by the prospect of renewing her acquaintance with the Selbys. Mr. Moore had given his consent that they should meet; "as the *Selbys* wished it; Ellen should not have made the advance."

At last the organ arrived, and was put up in the church. I shall not attempt to describe the excitement which prevailed in Westwerwick that day: those only who understand the life of small country places, and who know the immense sensation there produced by the merest trifle, the smallest break in the ordinary monotony, can have any idea of it. It had been for some weeks the chief subject of conversation at every tea-party; we rushed about to each other's houses to consult about every little circumstance regarding it. All our thoughts seemed to bear some reference to the all-absorbing topic. I met the doctor's wife on the day on which it was to leave Newcastle.

"Fine weather this *for the organ!*" she said.

It came to us the next morning. Man, woman and child turned out to see the wagon in which it was conveyed pass down the street; and all the remainder of the day, while it was in the course of erection, you would have thought some high festival was celebrating in the church, from the numbers that thronged merely to gaze at the organ. There was to be a tea-party that night at the parsonage, to talk over the organ, and arrange about the choir.

I had seen Ellen Moore in the morning; I fancied she looked anxious and excited; but as she said nothing, I thought I might have been mistaken. She was to come for me in the evening, that we might go together to the parsonage; and I saw then that she was excited, for there was a bright spot on each cheek, her eyes shone anxiously, and I could feel, as her hand rested on my arm, that it trembled. "Dear Ellen!" I said involuntarily.

"Oh, Madeline!" she cried: "I think of so many things. I wonder how we shall meet. My heart fails."

We are now at the parsonage, and I hurried into the drawing room, for Ellen looked very pale, and I thought delay was only making matters worse. The Selbys were already come. They all rose and advanced a step as we entered the room, then stopped half-doubtingly. At last Julia, who was always the most self-possessed of the three, said in a friendly voice, and holding out her hand: "How do you do, Miss Moore? I"—— then suddenly stopped, seeing how much Ellen was agitated, and how deadly pale she had become.

"Ellen is thinking of past times! Are you not, dear Ellen?" cried Kitty, affectionately. And in a moment the girls were in each other's arms, and all three sobbing together. At last, Kitty was able to say: "But here is another old friend of yours, Ellen, and he has not forgotten you, I know, any more than Julia and I have."

Ellen, now coloring and smiling through her tears, held out her hand to Robert. I saw the young man's eyes sparkle with pleasure as she said: "Robert too!"

"Yes, Ellen, we have never forgotten you. We constantly spoke of you, and tried to hope you had not forgotten us."

Then Ellen sat down between Robert and Kitty, and they talked together of old days and old scenes; and as they spoke, Ellen's winning smile and gentle gaiety returned, and Robert became more and more animated. Robert Selby was a pleasant, manly looking man, with an intelligent, happy face, which mirrored truthfully all his feelings. I could see at a glance that he was charmed with Ellen, and she, too, looked unusually happy in her gentle way. As I had early begun to anticipate, there was not as much said about the organ as the occasion might have seemed to demand. However, it was arranged that we were to meet in the church three times a week to practice. Robert was to lead the choir, for he had a fine voice.

Weeks and months passed on—the church music prospered. Ellen was a first-rate organist; and when she was prevented from officiating, I supplied her place. Nothing could exceed the friendship of Ellen and the Selbys. I sometimes, indeed, suspected that between some members of the party a warmer sentiment than friendship might exist.

I should have rejoiced at this had my heart had no misgivings when I thought of Mr. Moore and Mr. Selby. I was confirmed in my suspicion one day, when coming from church with Ellen, I learned that I had guessed aright. With many tears, the poor girl told me she and Robert loved each other. "But papa—he will never consent! Oh, Miss Madeline, I could almost wish we had never met!"

I endeavored to console her, but my hopes were not great. "And Mr. Selby?" I asked.

"Robert has spoken to his father, and he says if papa gives his consent, he will not withhold his. Robert is to ask papa to-morrow, but I know it will be in vain."

And in effect, as I feared, it was in vain. There was a terrible scene at Sea-view House. Mr. Moore, in a violent passion, had said that he would "rather see his daughter beneath the waves of the German Ocean than the wife of Mr. Selby's son; and he was not going to permit himself to be flattered into a reconciliation now, when it was so palpably for their own interests the Selbys wished it. All intercourse between the families must cease at once and forever." Robert, who had kept his temper for some time, could hold out no longer, and he and Mr. Moore parted in mutual anger.

I did not see Ellen till some days after this catastrophe, and then she looked heart-broken. She tried to smile when she saw me, but the effort was too much for her, and she became hysterical. Poor Ellen! my heart was sad for her; she did not complain, but day by day, and week by week, her eye became dimmer, and her step feebler. Her father, meanwhile, appeared to be in the state of one who was determined to be blind to what he did not wish to see. Nothing could exceed his devotion to his daughter. He seemed to endeavor to anticipate every desire; but that she was wasting away, body and spirit, he *would* not see. Meanwhile, Robert Selby, although forbidden by his father, had made several efforts to open a clandestine correspondence with Ellen. Only once she had replied to him, and then it was through me. "Tell Robert," she said, "I shall never marry him or any one. I am my father's only child, he has always loved me dearly, and I cannot, must not quit him. Married without his consent, I should be even more wretched than I am; it is, therefore, better we should meet no more. I shall never forget him, Miss Medeline, but do not tell him that; he must cease to think of me."

I delivered Ellen's message, and Robert declared vehemently, that to give up Ellen Moore was impossible. He would love her to the end of his life, and as long as life lasted; and if she remained unmarried, he should still hope to win her.

And now winter and spring had passed away, and it was summer again. Again the summer blue of the sky was reflected in the sunny sea; again the gay flowers blossomed bright in Ellen's parterres; but the sweet girl herself drooped like a flower cut off in its bloom from the sunshine and the dew. Often I noticed her father's eye turned anxiously upon her. He, too, looked ill. It was evident that some care preyed upon his spirits. I now determined to speak to him myself upon the cause of Ellen's unhappiness. Accordingly, I chose an opportunity one morning, when the latter had left us together alone. Mr. Moore listened to me in excessive agitation, but without anger. When I had finished he hid his face in his hands and groaned.

"It can not be," he said; "it can not be. Now, at least, it is impossible. I thought it was only a girlish fancy—and so it is, I trust. I will take her away. She shall go to Italy—she used to wish to go there. Change of scene will soon make her forget. Miss Madeline, I tell you it is impossible."

I was on the point of answering, when I was prevented by the return of Ellen, equipped in her walking-dress. She and her father accompanied me to the gate on my way home; they said they were going to walk on the sands.

"Have you time before tide comes up?" I inquired.

"Oh, yes—plenty; it will not be high water for an hour or two."

I did not accompany the Moores on their walk; but as I have often heard the particulars of it related, I know what passed almost as well as if I had been present. After having descended the rocks by the zig-zag path, they had walked some distance very slowly along the beach, when Ellen was seized with sudden faintness. For some time her father watched anxiously over her, hoping it might go off; but instead of doing so, it seemed to increase. Nearly an hour she remained in this state, her father not daring to leave her to seek assistance. It was while still bending over the drooping girl, he suddenly felt his feet wet, and, turning hastily around, he found he was standing in a pool newly formed by the advancing wave of the flowing tide. The full horror of his situation now broke upon him. Clasping his half-dead daughter in his arms, he staggered with her in the direction of the zig-zag path; but it was a spring tide, and the dashing waves were hurrying forward so rapidly that he could not have reached it in time to save himself, even had he been alone. He might, perhaps, have made, had he been unencumbered, a desperate effort to climb up the high, frowning cliffs; but with Ellen, this was out of the question; all he could do was to drag her upon a rock, and wait there in the forlorn hope that ere the tide reached them, some one might descry them from above the heights—a road, however, which was little frequented.

A bitterness greater than that of death now took possession of the soul of Mr. Moore. The raging waves, the insurmountable cliff—his daughter, his adored Ellen, so soon to be lying cold beneath those bright, pitiless waters! Then came almost maddening on his memory the speech he had made to Robert Selby: "Rather would I see her beneath the waves of the sea, than the wife of Mr. Selby's son!" This, then, was retribution! so, in that awful moment, it appeared to the wretched man. A whole existence of agony seemed to be compressed in these few moments; all things appeared to him in a new light—his conduct, his motives—it was terrible to see what they had really been, now that it was too late!

At last, above, or rather through the hollow roar of the sea, he fancied he heard the shriller sound of a human voice. He called loudly with the energy of despair. Yes, there were certainly figures on the top of the cliff; then they seemed to disappear. His bewildered brain must have been playing him some trick. His heart sickened with despair. But no, one figure only had disappeared; and the other—yes the other was now actually descending the rock with the skill of an experienced cragsman. In a few minutes Mr. Moore stood face to face with his mortal enemy; but he forgot it now. "Save Ellen!" he cried.

"My servant has gone to the village for ropes and ladders, and other assistance; he will be back immediately. You are saved!"

And now they were all at Sea-view House. Ellen was lying on a sofa, half insensible; her father and the doctor were bending over her; Mr. Selby and I stood watching at the foot of the couch.

"Only a temporary attack," said the doctor, "occasioned by a great debility and mental distress—no disease."

Her father lifted his eyes in heartfelt gratitude; as they fell they met those of Mr. Selby. "You have saved her life," cried Mr. Moore, "and mine. You have returned good for evil. Can you forgive all the unchristian bitterness of my heart against you?"

"Let us forgive our sins against each other," answered Mr. Selby. "Next to our sin against God, our greatest sin has been against *her*"—and the enemies clasped hands.

At this moment Ellen looked towards them; an unspeakable smile lighted up her sweet, pale face.

It is a glorious August morning—the sun is shining in a cloudless sky; the sea is sparkling like a sapphire strewed with diamonds; the bells of Westerwick church are ringing a merry peal; all the village are at church, for there is a wedding to-day at Westerwick. I play the organ, for Ellen Moore is differently engaged. She is the bride, and Robert Selby the bridegroom. We have good music in the church now, and the most perfect harmony in Westerwick.

"Who would have thought," said the clergyman's sister, as we gossiped that night over our tea, "that all this joy would have come out of our new organ!"

Official.

PROCEEDINGS OF THE BOARD OF ALDERMEN.

TUESDAY, March 15, 1853.

The Board met this day pursuant to adjournment.

Members present—Hon. W. C. C. Claiborne, President; Messrs. Burke, Clark, Converse, Giquel, Labatut, Jones and Wood.

The reading of the journal was on motion dispensed with.

A communication was received from the Surveyor reporting the value of the property surrendered to the city by Liberty Hose Co.

A memorial from the Police Jury of that portion of the Parish of Orleans, situated on the right bank of the Mississippi, on the subject of the ferry running from the Second District of the city to Algiers, in front of Jackson Square, was referred to the Committee on Streets and Landings.

A communication from Eagle Fire Co. No. 7, praying the Board to take into consideration the resolution adopted by the Board of Assistant Aldermen, for the erection of an engine house, was referred to the Fire Committee.

A resolution was read from Anthony Rasch, President of the Catholic Orphan Asylum, Third District, asking for the use of Lafayette Square for one evening's exhibition of fire-works, for the benefit of said Asylum, and the following resolution, offered by Mr. Burke, was read twice and unanimously adopted, the rules being suspended:

Resolved, That permission be, and is hereby, granted to the Catholic Orphan Asylum of the Third District, to give an exhibition of fire-works in Lafayette Square; provided that any damage that may accrue by reason of said exhibition to private or public property, be made good by the Board of Directors of said institution, under the direction of the Street Commissioner.

On motion of Mr. Clark, the absence of Mr. Lugenbuhl was excused on account of sickness.

A petition from residents of the Fourth District relative to the cemetery on Washington avenue, between Prytania and Plaquemine streets, was referred to the Police Committee.

A bill due to C. Flint and Jones, for furniture for the Recorder's office of the Third District, was referred to the Police Committee.

A memorial of members of the Mechanics' Society of NewOrleans, asking for the removal of the Fisk Library to the Mechanics' Institute of this city, was referred to the Committee on Education.

A petition of citizens and residents of the Second District, praying for the removal of a nuisance, was referred to the Committee on Streets and Landings.

A preamble and resolutions, adopted at a meeting of the Commissioners of the House of Refuge for girls, praying the Council to suspend the sale of the property known as the Fulton School House, was referred to the Committee on Work-house and Prisons.

Mr. Giquel, on behalf of the Committee on Fire, having reported in favor of the concurrence in the following resolution, adopted by the Board of Assistant Aldermen, the said resolution was read a second time and concurred in.

A resolution (No. 884) appropriating $250 per annum to Milneburg Fire Co. No. 1.

Mr. Claiborne, on behalf of the special committee to whom was referred the Mayor's message relative to the Place d'Armes, offered the following report, which was adopted:

The committee to whom was referred the message of the Mayor, in which he states his objections to the resolution of the Common Council, tendering the use of the Place d'Armes, formerly Congo Square, to the State, for the special purpose of erecting the State House thereon, beg leave to submit the following report:

Your committee find no good grounds to doubt the power of the Common Council to dispose of the above named Square for a public purpose, so advantageous as the restoration of the seat of Government to the City of New Orleans—this Square having formerly been occupied in part by the fortifications of the city, and having formed a portion of the ancient public commons, the right and title to which was vested in the city of NewOrleans by the United States after the acquisition of Louisiana.

Your committee, after due inquiry, have found that no private claim whatever can intervene with the right of the city to dispose of it for any proper public purpose. This view of the case is strengthened by the consideration that the surrounding proprietors, so far from objecting, are unanimously favorable to the disposition proposed to be made of said Square, and that the space within it is so large, that a State House could be erected in the centre, without interfering in any manner with the surrounding trees and promenades.

Your committee agree with the Hon. Mayor in the value and advantages which he attaches to public squares, as agreeable and healthful resorts for the people, but in this case, even if the Square were to be entirely taken up, it would be more than replaced by the wide streets and promenades lately opened, and the large public park provided for in this part of the city.

The fears expressed by the Mayor as to the expenditures of money which might result, your committee believe to be groundless, as no expenditures are proposed on the part of the city; and although the Legislature may be disinclined, at present, in view of the financial position of the State, to incur the expenditure involved in the removal of the seat of Government; your committee have reason to believe that a measure so important to the interests of the city, and as they humbly deem to the general weal of the State itself, will be sooner or later adopted, either through the direct action of the Legislature, or through a popular vote taken throughout the State. As an inducement to this desirable end, it is desirable to hold at the disposition of the State, a site so eligible in all respects for the erection of a State House, as that which has been proposed, and your committee, therefore, with due deference to the worthy motives which have influenced the Mayor, respectfully recommend that the Common Council persist in the resolution which he has returned to us without his sanction.

W. C. C. CLAIBORNE,
SAML. JONES, JR.,
J. J. LUGENBUHL.

Mr. Claiborne moved to persist in the adoption of the resolution donating a square of ground, formerly called Congo Square, and now known as the Place d'Armes, to the State of Louisiana, on condition that the Strte-house, or Capitol, be built thereon.

The motion was carried by the following vote:

Yeas—Messrs. Clark, Converse, Giquel, Labatut, Jones, Burke, Wood and Claiborne—8.

On motion of Mr. Converse, the following letters were ordered to be spread on the minutes:

OFFICE CITY ATTORNEY,
No. 46 Camp street.

Hon. A. D. Crossman,
Mayor City of NewOrleans:

DEAR SIR—The case of Robert Murphy *vs.* Municipality No. One was tried in the Second District Court on the 9th inst., and on the 14th inst. Judgment was rendered against the city for the sum of $1998. I consider the judgment a correct one, and therefore do not advise an appeal from it, yet I feel it my duty to call your attention to the facts of the case.

It is a suit by the Lessee of the Ferry of Municipality No. One to recover the cost of rebuilding and repairing the Ferry Wharf, which he alleges he was obliged to do, after notifying your Honor and the Surveyor, Mr. L. H. Pilié, of the necessity of it. The evidence shows that the Mudicipality No. One was in the habit of rebuilding and repairing the Ferry Wharf from the year 1844, until Mr. Pilié became the Surveyor of said Municipality in 1848. That in the contract between Municipality No. One and Davis, Graham & McLanathan, the latter bound themselves to keep in repair all the Wharves in the Second and Third Districts, including the Ferry Landing. By their contract it appears that they are bound to make their repairs "under the direction of the Surveyor." The evidence shows that Mr. Murphy not only applied to the Surveyor, but that he applied also to the Contractors, and that the Contractors applied to Mr. Pilié, for instructions, and that Mr. Pilié told them they were not bound to rebuild or repair the Ferry Wharf. In my opinion it was the manifest duty of the Municipality No. One, as Lessor, to repair and rebuild the Wharf when necessary. In its contract with Davis, Graham & McLanathan the Municipality expressly undertook to repair the Ferry Landing. Under these circumstances it could not be expected that the city would escape a judgment against her.

I make this communication chiefly to inform your Honor, and the Council, of the reasons why I decline taking an appeal in this case, and to say that I cannot be responsible for the management of suits in courts of justice where other officers of the city undertake to interpret and give legal effect to ordinances and contracts entered into by the corporation.

I remain very respectfully, your ob't serv't,
(Signed,) THOS. R. WOLFE,
City Attorney.

OFFICE CITY ATTORNEY, No. 46 CAMP ST.,
January 31, 1853.

Hon. A. D. Crossman, Mayor:

DEAR SIR—The suit of R. Gardere, *vs.* the City of NewOrleans, has been tried in the Third District Court of this city, and has resulted in a judgment against the city for $——. From this judgment I have taken no appeal, as it is correct beyond any question.

The circumstances of this case make it my duty to call your particular attention to it.

On the 10th February, 1852, David Moores contracted with the Municipality No. 1 to construct wooden sidewalks on the North side of Canal street, from Prieur to Broad streets, and various other streets in the said Municipality. This work was to be paid for, one-third by the Municipality, and two-thirds by the proprietors fronting on the streets paved. By the terms of this contract it was the duty of the Surveyor, within thirty days from the date of the reception of this work by him, to make a roll of assessment of the cost of said work, stating, 1st. The number of feet in front of each property. 2d. The amount of cost to be paid by each proprietor. 3d. The names of the proprietors. 4th. The location and description of the property. 5th. The portion of the cost to be paid by the Municipality, which roll of assessment it was the duty of the Surveyor, on the last of the aforesaid thirty days, to hand over to the Comptroller, whose duty it was to register the said roll in the office of the Recorder of Mortgages.

Gardere brings this suit as the transferee of Moores, and alleges that the work was completed and received by the Surveyor, but that the Surveyor neglected and refused to make out and furnish the required roll of assessment, thereby depriving him of his mortgage, and preventing him from collecting that portion that was to be paid by the proprietors. All these facts were abundantly proved on the trial of the case. I addressed several notes to the Surveyor, advising him of the suit, and the necessity of his attendance, to which he paid no attention. Under this state of facts there was, of course, a judgment against the city.

My particular object, however, in calling your attention to this suit, is this: Although the city will be obliged to pay the amount of this judgment, these front proprietors will still be obliged to reimburse the city. It will therefore be necessary for the Surveyor to make out the roll of assessment in order to ascertain the amount due by each proprietor. This should be done immediately, and the bills put in the hands of the proper officer for collection, otherwise the amount may be lost to the city entirely. I remain, very respectfully, your obedient servant,

[Signed] THOS. R. WOLFE, City Attorney.

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

Resolved, That the contract adjudicated by the Comptroller to Patrick Nestor, with the security offered, for digging anew the St. Avid Canal, in the Third District, at the price of $28 per running acre, according to the specifications of the Surveyor, be, and is hereby, approved of.

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

Resolved, That the Deputy Wharfingers be directed to send to the Council monthly copies of their reports to the Wharfinger.

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

Resolved, That the Surveyor be directed to give a certificate to Henry Weadley, contractor, for such portions of work as may be accepted by him—said Weadley being contractor for building and repairing wharves in the Fourth District.

The following message was read:

BOARD OF ASSISTANT ALDERMEN,
NewOrleans, March 15, 1853.

To the Hon. President and Members of the Board of Aldermen:

GENTLEMEN—I beg to return you the following resolutions passed by your honorable body, and notify you of the concurrence therein of the Board of Assistant Aldermen, to wit:

A resolution authorizing the Mayor to execute, in behalf of the city, certain acts of sale of Batture property.

A resolution concerning the condemning of a portion of Annunciation Square to public use.

A resolution for the purchase of a lot of ground in the Fourth District from H. G. Hicks.

A resolution directing the firing of the evening gun from the Levee.

A resolution for the appointment of a committee to report a system of railroads for the city, (Messrs. Summers, Dolhonde, Mackey and Andrews being the said committee on the part of this Board.)

A resolution granting the right of way to the New Orleans, Jackson and Great Northern Railroad Company through, and authorizing the opening of, Calliope street.

A resolution authorizing the sale of the contract for the construction of sugar platforms in the Second District.

A resolution for the purchase of the buildings in the Fourth District known as the late Parish Court-house and Prisons, etc., (with an amendment.)

The resolution to sell the contract for opening and shelling Lafayette Avenue, in the Third District, was rejected. With much respect, your ob't serv't, WALTER H. PETERS, Sec.

The amendment from the Board of Assistant Aldermen, inserting $4000 instead of $4200, to the resolutions for the purchase of the buildings in the Fourth District, known as the late Parish Court-house and Prisons, etc., was concurred in, and the resolutions in their amended form were adopted as follows:

Resolved, That the Mayor be, and he is hereby, directed to accept an act of sale before A. Mazureau, Notary Public, from the Police Jury of the parish of Jefferson, the city of Jefferson and town of Carrollton, to be signed by the President of the Police Jury and the Mayors of the city of Jefferson and town of Carrollton, for the sum of four thousand dollars, for the buildings, etc., in the Fourth District of NewOrleans, late city of Lafayette, known as the parish Court-house and Prison, and

Be it further resolved, That the Comptroller control the warrants of the Secretary of the Joint Committee of the parish of Jefferson in favor of the parish of Jefferson, city of Jefferson and town of Carrollton, endorsed by the President of the Joint Committee of the parish of Jefferson, to the proper accounting officers of the parish of Jefferson, city of Jefferson and town of Carrollton, in the aggregate sum of four thousand dollars, to be deposited with the said Notary, and by him to be handed over to the several parties signing for the parish of Jefferson, city of Jefferson and town of Carrollton, on completion of said act of sale; said parties exhibiting to the satisfaction of said Notary authority from the respective corporations for signing said act of sale to the city of NewOrleans.

The following message was read:

BOARD OF ASSISTANT ALDERMEN,
NewOrleans, March 8, 1853.

To the Hon. President and Members of the Board of Aldermen:

GENTLEMEN—I beg to hand you the following resolutions and ordinances, passed by this Board, in which you are respectfully invited to concur, viz:

A resolution directing the publishing and printing of the annual report of the Finance Committee.

A resolution (No. 930) for the payment of sundry bills.

An ordinance taxing pirogues.

An ordinance governing the Fisk Library.

An ordinance regulating the deposit of goods, wares and merchandise on the Levee.

A resolution imposing fine for chimneys on fire.

A resolution to sell the contract for keeping in repair and building new wharves and platforms of the First, Third and Fourth Districts for one year.

A resolution for the removal of the inmates of the House of Refuge to the late Work-house of the Third District, etc.

I beg to apprise you that the message of the Mayor of the 1st inst., together with the resolutions of your honorable body, authorizing the contract with P. Mooney for the opening of Orleans street, have been referred to a special joint committee of ten—five from each Board.

Messrs. Summers, Burthe, Latour, Sykes and Watkins compose the said committee on the part of the Assistant Aldermen.

With much respect, your obedient servant,
WALTER H. PETERS, Secretary.

The following resolutions and ordinances, adopted by the Board of Assistant Aldermen, were concurred in, the rules being suspended:

A resolution directing the publishing and printing of the Budget of the Finance Committee.

A resolution (No. 930) for the payment of sundry bills (unanimously by yeas and nays.)

An ordinance taxing pirogues.

A resolution for the removal of the inmates of the House of Refuge to the late Work-house of the Third District.

The ordinance regulating the deposit of goods, etc., on the Levee, was amended in the first section by erasing the words "after three hours written notice by the Wharfingers," and also the words "after three hours' notice," by inserting the words "and Levees" after the words "wharves," and also the word "coal" after the word "salt," and by inserting the words "to be stored at the expense and risk of the owners or consignees," in lieu of the words "to be placed in the hands of some trusty person for safe keeping."

The ordinance in its amended form was adopted, as follows:

Section 1. Be it ordained, That from and after the passage of this ordinance, it shall not be lawful for any articles of produce, merchandise, or other effects whatever, landed on the wharves or levees of the city, from ships, steamboats or other craft, nor for any such articles placed on the wharves or levees for the purpose of being shipped, or for any other purpose, to remain there for a longer time than twenty-four hours, Sundays not included.

And should the owner or owners, consignees or shippers of such articles left on the wharves or levees in contravention of this ordinance, refuse or neglect to remove the same, he or they shall be liable to a fine of not less than $25, or more than $50, for each and every day any such article may be so left; said fine or fines to be recoverable before any Court of competent jurisdiction—it being understood that this ordinance shall in no manner affect existing ordinances prohibiting articles of great weight from being placed on the wharves and levees, nor the articles of salt, coal and ballast, which are allowed to remain fifteen days. And should the owner or owners, or consignees of such articles, refuse or neglect to remove the same, it shall be the duty of the Wharfinger to have the same removed therefrom, at the expense of the owner thereof, the said articles to be stored at the expense and risk of the owners or consignees, and not to be delivered until all fines and charges shall be paid thereon.

Sec. 2. Be it further ordained, That the Wharfingers of the several Districts be, and they are hereby, empowered to regulate the placing and arranging of all articles of produce, merchandise or other effects landed on the wharves or levees from ships, steamboats or other craft, or which may be brought there for shipment, and it shall be the duty of the said Wharfingers to so arrange said articles as to afford convenient gangways for the landing and receiving of freight. Any person who shall refuse or neglect to arrange said articles agreeably to the direction of said Wharfingers, shall be liable to a fine of not less than $5, or more than $20—recoverable as aforesaid, and the said Wharfingers shall place the same at the expense of parties so offending.

Sec. 3. Be it further ordained, That all ordinances or resolutions of the late Municipalities, or of the late city of Lafayette, now in force, and conflicting with, or contrary to the provisions of this ordinance, be, and the same are, hereby, repealed.

An ordinance from the Board of Assistant Aldermen relative to, and governing the Fisk Library, was referred to the Committee on Education.

A resolution to sell the contract for keeping in repair and building new wharves and platforms of the First, Third and Fourth Districts, for one year, adopted by the Assistant Board, was referred to the Committee on Streets and Landings.

A resolution imposing fine for chimneys on fire was rejected.

By a message from the Board of Assistant Aldermen, the Board of Aldermen was informed of the adoption of, and invited to concur in, the following resolution:

A resolution authorizing the Mayor to postpone the sale of the Fulton School-house.

On motion, the above resolution was referred to the Committee on Work-house and Prisons.

Messrs. Clark, Claiborne, Giquel, Burke and Wood were appointed as a Special Joint Committee on the resolution authorizing the contract with P. Mooney for the opening of Orleans street.

The following message was read:

BOARD OF ASSISTANT ALDERMEN,
NewOrleans, March 15, 1853.

To the Hon. President and Members of the Board of Aldermen:

GENTLEMEN—I beg to hand you the following resolutions passed by this Board, in which you are respectfully invited to concur:

A resolution (No. 940) for the payment of sundry bills.

A resolution authorizing the Mayor to enter into sundry contracts.

A resolution requiring parties purchasing contracts to immediately offer their security and enter instanter into a binding agreement; also repealing the resolution No. 286, requiring a deposite of $25 by bidders on contracts.

A resolution authorizing the contract with Thomas Tormey for tending bridges over the Canal Carondelet.

A resolution fixing the pay of laborers employed by the Surveyor or Street Commissioner at $35 per month.

A resolution for the re-sale of the contract for digging and cleaning the Claiborne canal in the First and Fourth Districts.

A resolution authorizing the Mayor to appoint a Commissioner to assess property of F. Lacroix taken for public purposes.

A resolution to sell the contract for building a house for Lafayette Hook and Ladder Company No. 1.

A resolution to pay Chalmette Fire Company No. 23, $160 for house rent.

A resolution to sell the contract for repairs to the house of Protection Fire Company No. 19.

A resolution for the purchase of a new engine for Louisiana Fire Company No. 10.

A resolution authorizing the Mayor to offer rewards for the arrest and conviction of incendiaries.

A resolution approving the purchase of a lot of ground for Lafayette Hook and Ladder Company No. 1.

With high respect,
your obedient serv't,
WALTER H. PETERS, Secretary.

The following resolutions, adopted by the Board of Assistant Aldermen, were concurred in, the rules being suspended:

A resolution (940) for the payment of bills—unanimously by yeas and nays.

A resolution authorizing the Mayor to enter into sundry contracts.

Resolutions requiring parties buying contracts to immediately offer their securities, who shall forthwith enter into binding agreement.

A resolution authorizing the contract with Thomas Tormey for attending bridges over Canal Carondelet.

A resolution fixing pay of laborers employed by Surveyor or Street Commissioner at $35 per month.

A resolution for the re-sale of the contract for digging and cleaning the Claiborne Canal, etc.

A resolution to sell contract for building house for Lafayette Hook and Ladder Company No. 1—unanimously by yeas and nays.

A resolution to pay Chalmette Fire Company No. 23, $160 for rent of house.