

The New Orleans Crescent.

OFFICIAL JOURNAL OF THE CITY OF NEW ORLEANS

FRIDAY MORNING, DECEMBER 4, 1888.

(OFFICIAL)

COMMON COUNCIL.

BOARD OF ALDERMEN.

REGULAR SESSION.

CITY HALL, NEW ORLEANS, December 1, 1888.

The board met pursuant to adjournment.

Present—President Markey, and Messrs. Boguille, Brady, Kaiser, Poynot, Prados and Shields—8.

On motion the reading of the minutes of last meeting was dispensed with.

Mr. Kaiser, the rules being waived, moved that the market ordinance previously existing be adopted as a substitute for the one recently passed by the council.

Mr. Prados moved this said substitute be amended by requiring payments to be made in currency.

Which motion prevailed on calling the yeas and nays, but was afterwards withdrawn by consent.

The substitute was then adopted on each reading by a unanimous vote, the rule being waived, and ordered to be sent to the other board for concurrence.

Mr. Prados, the rule being suspended, offered the following resolution:

Resolved, That the superintendent of the Fire Alarm Telegraph be and he is hereby directed to extend the telegraph wires from the depot of the Orleans Railroad Company, on L Harpe street, between White street and Gentilly road.

Which was adopted unanimously on its several readings, and ordered to be sent to the lower board for concurrence.

On motion the rules were suspended in order to take up the unfinished business of last session.

UNFINISHED BUSINESS.

The following report, received last meeting but not read, was accepted:

FINANCE COMMITTEE ROOM, No. 23 City Hall, New Orleans, Nov. 24, 1888.

To the Honorable the President and Members of the Board of Aldermen:

Gentlemen—Your committee have had under consideration the subject of expenditures and are of opinion that certain amendments are necessary, the city not being prepared to enter into new contracts on account of the depressed condition of its finances; the following resolution, embodying the views of the committee on this subject, is respectfully submitted.

The following communication from the commissioners of the water works to this committee, accompanied by two statements marked "A" and "B," showing the exact condition of the city for the purchase of said works and its financial condition, is submitted to your honorable body for information; the committee will, in their next report, suggest the action necessary to be taken by the city to settle the whole matter definitely.

Respectfully submitted, TH. R. BRADY, Chairman Finance Committee.

The following resolution: That no contracts shall be approved by the City Council for repairs of streets, or for any other improvements, until the city shall be enabled to pay its debts on demand, and that no expenses of any kind shall be incurred from this date forth, except such as are already provided by existing contracts and ordinances, and that the street commissioner and surveyor be and they are hereby instructed to reduce their forces to the very lowest number necessary to complete the work already ordered by the City Council.

Yas read. A motion to lay it on the table was lost.

Mr. Prados moved to amend by excepting such repairs as might be indispensably necessary. On this amendment the yeas and nays were taken.

On motion the resolution was laid on the table.

AN ORDINANCE for the protection of the City Water Works.

Resolved, SECTION 1. It shall be unlawful for any person unauthorized by city ordinance or not employed by the Water Works commissioners to take water from any public hydrant, or to open the same so as to expose the stop-cock, or to turn any public or private stop-cock, or in any way of manner injure the buildings, reservoirs or other property belonging to the City Water Works; and the person so offending shall be subjected to a fine not less than twenty-five nor more than one hundred dollars, or in default of the payment of the fine shall be imprisoned not less than ten nor more than thirty days.

Sec. 2. No person shall make any attachment to the street mains of the City Water Works, or to any private attachment connected therewith, or any alteration in such private attachments, without a special permit in writing, signed by the proper officer of the Water Works; and any one so offending shall be subjected to a fine not less than twenty nor more than one hundred dollars; or, if the fine be not paid, imprisonment for not less than ten nor more than thirty days.

Sec. 3. Whoever shall himself or by any of his family, or by any of his servants or agents, use or waste the water from any part of the water works, or from any public hydrant, or shall let on or shut of the water into or out of any pipe, without written authority from the proper officer of the Water Works, shall be subjected to a fine not less than twenty nor more than fifty dollars, or in default of payment of said penalty shall be imprisoned not less than five nor more than twenty days.

Sec. 4. Whoever, having a water license, shall use the water, or suffer it to be used, from any hydrant designated therein for any other purpose than that specified, or shall suffer any person not included in the license to use water from said hydrant, or shall suffer such hydrant to remain exposed to public view, or shall suffer more than twenty nor more than one hundred dollars, or failing to pay the fine shall be imprisoned not less than five nor more than thirty days for each offense.

Sec. 5. Parties paving streets, alleys and sidewalks are expressly forbidden to destroy or cover up any valve or stop-cock attached to the water works, under penalty of not less than twenty-five nor more than one hundred dollars for each offense, or in default of payment of said penalty shall be imprisoned not less than ten nor more than thirty days.

Sec. 6. It shall be unlawful for any person to own or keep a key to any stop-cock, hydrant or fireplug, or to use the same for any purpose other than that specified by city ordinance, and any one so offending shall be liable to a fine of not less than twenty nor more than fifty dollars, or if he fail to pay the penalty, shall be imprisoned not less than ten nor more than thirty (30) days.

Sec. 7. It is made the duty of all city officers, as well as the police and street commissioner, to arrest and prosecute all persons who violate the provisions of this ordinance, and the assistant city attorney is hereby required to prosecute all parties reported to him by the board of water commissioners for infractions of the same.

This was adopted unanimously on each reading, the rules being suspended, and ordered to be sent to the lower board.

Resolved, That the controller be and he is hereby authorized to warrant on the treasurer of the city in favor of J. G. Roche, coroner for First and Fourth Districts, and Right Bank, parish of Orleans, for and in the sum of thirteen hundred and twenty-five dollars (\$1325) being amount of salary from 1st day of July, 1888, to 17th day of October, 1888.

This was unanimously concurred in on its several readings, the rules being suspended.

FROM THE LOWER BOARD.

WHEREAS, the flag staff in Annunciation St. are in a rotten and unsafe condition, thereby endangering the lives of pedestrians, and where as the flag staff in Tivoli Circle is a nuisance and obstruction to the same, therefore be it

Resolved, That the city gardener be and he is hereby directed to have the same removed without delay.

Referred to the streets and landings committee with power to act.

WHEREAS, J. M. Weymouth has presented a claim against the city of New Orleans for the sum of \$500, being amount alleged to have been paid into the city treasury by Grasp & McMillan on military order in the month of July, 1882; and

WHEREAS, this board did by resolution on 10th inst. reject said claim; be it

Resolved, That in refusing payment this board did not design to debar the claimant on account of prescription from bringing suit, but be it further

Resolved, That the city attorney be and he is hereby instructed to waive prescription, so that it apply in this case.

Referred to finance committee.

PETITIONS.

One from John Brischola, relative to his claim for riot damages, was tabled subject to call.

The resolution of the lower board providing for his payment was, on motion, called for the table and amended by striking out the words "United States currency," and on motion laid on the table subject to call.

A petition of A. W. Merriam and others, billiard saloon keepers, was referred to finance committee.

One from property holders on Claiborne street, relative to the digging of a canal on that street, was referred to the committee on streets and landings.

The following communication was received:

REAL ESTATE OWNERS ASSOCIATION, Merchants' and Auctioneers' Exchange Building, Room No. 14, Up Stairs, New Orleans, Dec. 1, 1888.

To the Honorable the Board of Aldermen of the City of New Orleans:

Have the honor, by order of the Board of Directors of this association, to inclose copy of resolutions passed at their regular meeting, held last evening.

Very respectfully, SAMUEL FLOWER, Secretary.

NEW ORLEANS, NOV. 30, 1888.

Extract from minutes of the Board of Directors:

Resolved, That in the opinion of this board, the ordinance of the City Council, proposing to issue the bonds of the city of New Orleans, in the sum of \$1,000,000, in bonds, will not accomplish the objects in view.

Resolved, That the notes will not be issued in the manner proposed by the ordinance. And the ordinance itself is in contravention of the act of the Legislature, entitled, respectively, "an act to limit the indebtedness of the city of New Orleans," passed in 1855, and "an act to limit and equalize municipal taxation in the city of New Orleans," passed in 1856.

Resolved, That the ordinance is defective in not providing specially for the final payment of the whole issue by the application of the surplus of the amount produced by the proposed tax.

Resolved, That inasmuch as the Legislature will be in session by the time said bonds could be prepared, it is expedient, proper and prudent that said ordinance be rescinded, and a new and well digested act be prepared and submitted for approval by the Legislature.

Resolved, That until said city notes are funded, the council be requested to make no more new contracts, and to cancel all contracts now existing, which have not been strictly complied with.

A true copy, SAMUEL FLOWER, Secretary.

RESOLUTIONS.

Mr. Shields offered the following:

Resolved, That the mayor be and he is hereby requested to discontinue the notice for an election of the city bonds, until further action by the Common Council.

This was adopted on first reading, and the rule being suspended, adopted on second reading by the following vote:

Yeas—President Markey, and Messrs. Boguille, Brady, Kaiser, Poynot, Prados, and Shields—7.

Nays—Mr. Poynot—1.

It was ordered to be sent to the lower board for concurrence.

Mr. Poynot offered the following:

Resolved, That the city surveyor be and he is hereby authorized to construct, or cause to be constructed, a flag crossing at the corner of Poydras and Delta streets, provided, the cost of the same does not exceed \$150.

Which was referred to the committee on streets and landings.

The following three, by Mr. Kaiser, were referred to the same committee:

Be it resolved, That the controller is hereby authorized to sell, after five days' notice, the extension of the wharves between Jackson and Soriano streets, according to the specifications of the city.

Resolved, That the street commissioner be and he is hereby instructed to place, or cause to be placed, a lamp-post at the corner of Washington and St. Thomas streets (southwest corner).

Resolved, That the mayor be and he is hereby authorized to transfer the contract of John P. J. for repairing and keeping in repair the paved streets of the third ward, First District, to E. D. White, as principal, securities remaining the same; provided, said E. D. White pays cost of printing, and notarial act.

The following, by Mr. Kaiser, was unanimously adopted on each reading, the rule being waived for that purpose, Mr. Brady being absent, and it was ordered to be sent to the lower board:

Resolved, That the city surveyor be and he is hereby authorized and instructed to repair the roof of the Beef Market, Second District; provided the cost of same does not exceed \$100.

The following was received:

FINANCE COMMITTEE ROOM, No. 23 City Hall, New Orleans, Dec. 1, 1888.

To the Honorable the President and Members of the Board of Aldermen:

Gentlemen—Your finance committee beg leave to report as follows:

On the communication of the Commercial Bank of New Orleans, praying to be paid the amount due them by the city for the purchase of the Water Works, your committee report in favor of a resolution providing for the issue of bonds to the amount of one million five hundred thousand dollars, payable in thirty years and bearing five per cent interest per annum. The total indebtedness of the city to the Commercial Bank is \$1,383,900, the residue of the bonds to be thus issued, about \$106,100, to be devoted, after paying cost of issue of bonds, etc., to the extension of the works and increase of the supply of water.

Respectfully submitted, TH. R. BRADY, Acting Chairman Finance Committee.

W. B. LANCASTER, Secretary.

The accompanying resolution:

Resolved, That the mayor, controller and treasurer, and the chairman of the finance committee of the Common Council, be and they are hereby authorized to issue, in all the districts, in the sum of one million five hundred thousand dollars, bearing date 1st day of January, 1889, payable at thirty years date, with interest at five per cent per annum, \$1,383,900, with interest at five per cent per annum, in settlement of the purchase of said Water Works, the residue of the bonds to be thus issued, about \$106,100, to be devoted, after paying cost of issue of bonds, etc., to the extension of the works and increase of the supply of water.

Was adopted unanimously on each reading, the rules being suspended, and ordered to be sent to the lower board for concurrence.

Resolved, That a committee of two from each board be appointed to provide for and supervise in conjunction with the two chairmen of the finance committee the engraving and printing of the bonds of the city henceforth to be issued.

This was, the rules being suspended, adopted unanimously on each reading. Messrs. Boguille and Poynot absent, and ordered to be sent down for concurrence.

The following was received:

FINANCE COMMITTEE, No. 23 City Hall, New Orleans, December 1, 1888.

To the Hon. Board of Aldermen:

Resolved, That your committee to whom was referred the petition of Pierre Bonie, Esq., representing the heirs of Livaudais and others, vs. City of New Orleans, having given the subject matter a thorough investigation and after the mature consideration the importance of the subject requires, beg to report:

That the property in dispute fronts on Dryades street 240 feet by a depth and front of 195 feet on Melrose street. That this property was leased to the city by the city of P. Irwin, Esq., for the term of eight years, on the condition that he should erect a market, and collect revenues therefrom under certain conditions, among which was the condition that the market should revert to the city at the termination of the lease at a certain valuation. All of these terms were complied with by Mr. Irwin. The city was notified when it entered into the contract with Mr. Irwin that the title to the property was not in the name of the city but in the name of Livaudais and others, and the city was warned against erecting a market upon the property. The decision of the District Court, affirmed by the Supreme Court, gave the title of the whole property to the heirs of Livaudais and others as originally claimed.

The heirs of Livaudais and others through their attorney came before the City Council in the year 1867, claiming compensation from the city for back rent and damages to the amount of \$—, which claim the council ignored, and passed an ordinance ordering the adjunction of the property to another market on Melrose street, between Dryades and Rampart streets, with the city in dispute to the city of Livaudais and others. The adjunction for building

another market was made at \$37,000, but the ordinance approving the adjunction was voted by Mayor Heath, and the vote sustained by the council. Subsequently a committee of the council met Mr. Bonie, the representative of the claimants in this case, with a view to a compromise, but before anything definite was concluded the council was removed by military authority. We have learned, however, that Mr. Bonie was willing to compromise the suit for \$120,000, while the committee were willing to allow \$100,000, and Mayor Heath maintained that \$75,000 was sufficient. The decisions of the courts do not touch upon the amount of damages sustained by the claimants by the occupancy by the city of their property, and that matter is open for settlement by compromise or by further litigation.

But in view of the fact that it would be injudicious to remove the Dryades Market, and unjust to the property holders in the neighborhood of the market who purchased said property on account of its value, lying contiguous to said market, and as the ground in controversy is 125 feet deep, less than half of which is occupied by the present market building, and as the market accommodations could be doubled on this property at a much smaller expense than another market could be erected at any other point, and as the city of New Orleans is not now in a condition to undertake any improvements, and as it requires an immediate outlay of money, and as the continuance of litigation would in our opinion subject the city to the payment of much heavier damages than can be paid by compromise, we recommend that the title of said property be returned to the heirs of Livaudais and others, a lease of the collection of revenues of the Dryades Market for the term of eight years as a full extinguishment of the title of said heirs against the city of New Orleans in and to the property in question, and we offer a resolution concerning the points recommended.

Respectfully submitted, TH. R. BRADY, Chairman Finance Committee.

THOS. H. SHIELDS, Chairman Finance Committee.

THE ACCOMPANYING RESOLUTION WAS READ:

Resolved, That the mayor be and he is hereby authorized to enter into contract with the legal representatives of the heirs of Livaudais and others, plaintiffs in a suit against the City of New Orleans for the collection of the revenues of the Dryades Market, for the term of eight years, on the following conditions, to wit:

First. The said legal representatives of the heirs of Livaudais and others are to keep in perfect repair the market house, stalls, benches, and other appurtenances of the market, and to return the same at the termination of the lease in the same order and condition (wear and tear excepted) as at the commencement of the lease.

Second. The said heirs of Livaudais and others are to enter into this contract, at the time of the entry into this contract, and at the time of the entry into this contract, a full and complete title of the Dryades Market and to all the ground adjoining the same, and to be included in the judgment rendered by the District Court in the case of the heirs of Livaudais and others vs. city of New Orleans, renouncing all claims against said city for any damages sustained by said plaintiffs in virtue of the judgment rendered by the District Court in the sum of twenty thousand dollars for the faithful performance of their contract for keeping in repair the said Dryades Market during the term of their lease.

The president decided there could be no debate on the first reading. An appeal from this decision was lost.

The yeas and nays being called on the adoption of the resolution on its first reading, it was lost by the following vote:

Yeas—President Markey and Messrs. Boguille, Brady and Shields—4.

Nays—Messrs. Kaiser, Poynot, and Prados—4.

Mr. Poynot having voted on the successful side gave notice that he would, at next meeting, move to reconsider the vote.

The following was received:

COMMITTEE OF STREETS AND LANDINGS, Board of Aldermen, City Hall, Dec. 1, 1888.

To the Honorable the Board of Aldermen:

Gentlemen—Your committee have the honor to report upon the following subject referred to them, viz:

1. Upon the resolution sent from the Assistant Aldermen for concurrence, that the surveyor be and he is hereby authorized to have the wharves and levees repaired in the Third District, your committee report that the necessity for immediate repairs exists also in the First, Second and Fourth Districts, and unless steps are taken for the prevention of the sliding of the banks of the river and settling of wharves in all the districts, it will seriously inconvenience commerce and increase the cost of repairs, we therefore report favorably by substitute.

PETER KAISER, Chairman.

THOS. H. SHIELDS, Chairman Finance Committee.

LS. PESSON, Chairman Finance Committee.

LUDOVIC BOGUILLE, Chairman Finance Committee.

Resolved, That the city surveyor be and he is hereby authorized to have the wharves and levees repaired in all the districts, it was adopted on first reading.

Mr. Poynot moved to amend by including the levees of Milneburg. This amendment was adopted by the following vote:

Yeas—President Markey, and Messrs. Boguille, Brady, Kaiser, Poynot and Prados—6.

Nays—Messrs. Poynot and Shields—2.

On motion, the rules were suspended that Mr. Kaiser might move at present to reconsider the vote just taken.

That motion was then put and carried.

The resolution was read a second time unamended, the rules being suspended, and adopted unanimously.

On motion, adjourned.

W. B. LANCASTER, Secretary.

OFFICIAL.

ELECTION NOTICE.

MAYORALTY OF NEW ORLEANS, City Hall, Dec. 1, 1888.

An election will be held, SATURDAY, the 5th day of December, 1888, agreeably to the proclamation of the mayor of the city of New Orleans, for the approval or disapproval of an ordinance approved November 19th, 1888, entitled "An ordinance providing for the redemption and absorption of the various issues of city treasury notes and the relief of the finances of the city of New Orleans;" all persons registered under the late registration law of the State are entitled to vote at said election, those voting affirmatively to have printed or written on their ballots "FOR ISSUE OF BONDS," those voting negatively, "AGAINST ISSUE OF BONDS." The said election to be held at the places and under the supervision of the commissioners following, viz:

First Ward.

Poll No. 1, precinct No. 1—Engine House No. 12, Tchoupitoulas street, between Orange and Race streets.

Inspectors: J. Lincoln, W. T. Bartlett, James D. Cole.

Poll No. 2, precinct No. 1—Engine House No. 1, Hunter street.

Inspectors: M. Turner, P. Scullin, M. Power.

Poll No. 1, precinct No. 2—Engine House No. 20, Thalia street.

Inspectors: J. T. Plattmeyer, Jno. Rozant, O. Dupre.

Poll No. 2, precinct No. 2—Corner Enterpe and St. Charles streets.

Inspectors: H. Ruth, F. W. Bartlett, D. Brady.

Second Ward.

Poll No. 1, precinct No. 3—Engine House No. 6, St. Joseph street, between Tchoupitoulas and Commerce streets.

Inspectors: Joseph Howard, Edward Adolph, John McLeay.

Poll No. 2, precinct No. 3—Poydras street, between Tchoupitoulas and Tchoupitoulas streets.

Inspectors: George W. Levens, W. P. Stocker, George D. Geddes.

Poll No. 1, precinct No. 4—Engine House No. 15, Calloppe street, between St. Charles and Calloppe streets.

Inspectors: E. C. Murray, E. Mumford, S. W. Thompson.

Poll No. 2, precinct No. 4—No. 239 Triton street, between Baronne and Natchez streets.

Inspectors: A. L. Plattmeyer, J. N. Henriques, L. C. Westerfield.

Third Ward.

Poll No. 1, precinct No. 5—Engine House No. 2, Tchoupitoulas street, near Natchez street.

Inspectors: N. W. Traiss, P. P. Walsh, J. E. Stival.

Poll No. 2, precinct No. 5—Tchoupitoulas street, between Girod and Lafayette streets.

Inspectors: Wm. R. Miller, Dan. Schobel, G. T. Lalor.

Poll No. 1, precinct No. 6—Engine House, corner of Perdido and Carondelet streets.

Inspectors: Lawrence Hudson, Clarence E. Holmes, Jno. Halsey.

Poll No. 2, precinct No. 6—Engine House No. 5, Girod street, between St. Charles and Carondelet streets.

Inspectors: Alexander McKee, J. W. Roper, J. G. Yelver.

Poll No. 1, precinct No. 7—Engine House No. 14, Common street, near Marais street.

Inspectors: Jno. F. Branner, J. E. Stephens, Sam'l Ward.

Poll No. 2, precinct No. 7—Corner of Girod and Basin streets.

Inspectors: Thos. Lynne, Jas. McQuaid, Jas. Lenoir.

Poll No. 3, precinct No. 7—Corner of Liberty and Poydras streets.

Inspectors: P. S. Nugent, G. Flengenshan, Jr., P. M. Williams.

Fourth Ward.

Poll No. 1, precinct No. 8—Eagle Engine House, No. 7 Dauphin street.

Inspectors: S. Panzer, Angus McDonald, T. W. Hall.

Poll No. 2, precinct No. 8—125 Exchange Alley, between Canal and St. Louis streets.

Inspectors: D. Waters, J. A. Tully, John Fitzpatrick.

Poll No. 1, precinct No. 9—Engine House No. 4, Basin street, near Conti street.

Inspectors: P. Vincent, John Slemmer, Dennis Cronan, Jr.

Poll No. 3, precinct No. 9—School-house, corner of Robertson and Bienville streets.

Inspectors: W. Pritchard, T. L. Mercer, Chas. Clark.

Fifth Ward.

Poll No. 1, precinct No. 10—Pontalba Buildings, St. Peter street.

Inspectors: A. Bernard, J. M. LeClerc, Z. Noynot.

Poll No. 2, precinct No. 10—Corner of Toulouse and Rampart streets.

Inspectors: J. B. Castagnola, Adrienne Bacon, C. Labat.

Poll No. 1, precinct No. 11—Street commissioner's office, St. Peter street, near Chartres.

Inspectors: Emile Wiltz, E. N. Stringer, Sr., Ceriele Dupre.

Poll No. 2, precinct No. 11—No. 23 Orleans street.

Inspectors: Wm. Duke, M. Camps, H. Lafarge.

Poll No. 1, precinct No. 12—Engine House No. 10, remains, between Rampart and St. Claude streets.

Inspectors: P. Bienvenue, G. G. Constant, Chas. L. Wilcox