

The New Orleans Crescent.

OFFICIAL JOURNAL OF THE CITY OF NEW ORLEANS.

THURSDAY MORNING, DECEMBER 10, 1888.

(OFFICIAL)

COMMON COUNCIL.

BOARD OF ASSISTANT ALDERMEN.

REGULAR SESSION.

CITY HALL, NEW ORLEANS, December 8, 1888.

The board met pursuant to adjournment.

Present: President Kearny, Messrs. Rose, Aitkens, Walker, Pemberton, Camp, Montgomery, Grandpre, Fisher and Pandey.

The reading of the minutes of last meeting was dispensed with on motion of Mr. Aitkens.

The following message from the mayor was read and on motion action thereon deferred to a future meeting:

MAYORALTY OF NEW ORLEANS.

City Hall, Dec. 2, 1888.

To the Honorable the Common Council:

Gentlemen—Here with respectfully returned to the board in which it originated, without my approval, an ordinance...

It will be seen that the first section of this ordinance contains a singular and fatal anachronism.

It provides that on the first Monday of each year the controller shall adjudge or cause to be adjudged the highest bidder the collection of the revenues of the public markets...

As the first Monday in January 1889 would be the fifth of that month, the adjudication of the markets for one year from the first of January following would necessarily occur on the first Monday of January 1890.

And yet section 33 provides that the ordinance shall go into effect from and after the first of January 1889.

Independent of this serious objection, I may say that the contract of the present farmers expires on the first of January next, and therefore five days would elapse before new farmers could possibly enter upon the discharge of their several duties...

Section 5 is very objectionable for the reason that the tariff of charges collected by the farmer is not recited, but is the subject of but a simple reference.

It is highly important that all bidders should have before them a complete ordinance. It may be said that a bare reference to article 539 of Leoy's Digest City laws and ordinances to the effect that the ordinance is a copy of the ordinance adopted December 12, 1887, is sufficient to inform the bidder of the terms of the ordinance.

Section one is objectionable on the score of giving extraordinary privileges to carts and other vehicles selling fish, fowls, game, fruit, milk, butter, cheese and vegetables within three squares of the public markets.

Section two is objectionable on the score of annoyance to property owners and tenants to have lines of carts and vehicles backed up against the curbstones in front of their dwellings or places of business, and the banquets made a common nuisance for the streets.

Section three is objectionable on the score of the value of property in the streets set apart for the extension of the public markets is unquestionable, and every one can doubt, as it is left to the surveyor by the ordinance to designate the streets where these carts shall stand, that the mayor would be subjected to the annoyance of daily complaints and petitions for removal of the obnoxious hawkers.

A little reflection would teach any one conversant with the affairs of this city, that such would be the gradual encroachments of hawkers upon the banquets that a strong police force would be required to clear away obstructions from the thoroughfares of the public markets along common thoroughfares.

Section four is objectionable on the score of the collection of the taxes and royalties for the responsibility incurred in the ownership of a market house.

I call special attention to the remarkable phraseology of section 25 of the ordinance now before me, which expressly repeats the tariff of charges in both the market ordinance in Leoy's compilation of laws, and also the tariff of charges in the ordinance of December 12th, 1887.

It will be seen that this ordinance repeats in its reciting clause "Be it further ordained that all previous ordinances and resolutions, or parts of ordinances and resolutions, referring to markets, be and the same are hereby repealed."

It will be seen that this ordinance repeats in its reciting clause "Be it further ordained that all laws contrary to or conflicting with the provisions of this ordinance, be and the same are hereby repealed."

It will be seen that this ordinance repeats in its reciting clause "Be it further ordained that all laws referring to markets, be and the same are hereby repealed."

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herby authorized to have the wharves and levees of the First, Second, Third and Fourth Districts put in perfect repair and condition.

Mr. Breen here entered and took his seat.

The finance committee submitted the following report:

FINANCE COMMITTEE, Board of Assistant Aldermen, New Orleans, Dec. 8, 1888.

The finance committee have the honor to submit to the Common Council a proposition of Charles Monroe, Esq. of Paris, France, to loan to the city four millions of dollars, in coin, at an interest specified in his communication, which is made part hereof, and also an ordinance providing for the acceptance of the proposition.

The committee have carefully considered the proposition and recommend the same to your honor as the most feasible scheme yet offered to relieve the city from her pecuniary embarrassment.

TH. F. FISHER, Chairman. ALFRED KEARNY, JOHN BREEN.

The letter of Mr. Monroe, together with the preamble and resolutions accompanying the above report, were read, at the conclusion of which Mr. Fisher moved that the letter and resolutions be printed, which motion was decided negatively.

A motion finally prevailed to lay the matter over subject to call.

The special committee appointed to investigate the causes of the late overflow, submitted the following report:

NEW ORLEANS, CITY HALL, Nov. 30, 1888.

To the Honorable the Members of the Common Council:

Gentlemen—Your committee to examine into the causes of the late overflow in the rear of the city have the honor to report:

After a careful examination of several witnesses they have come to the following conclusions:

The long intervals between recurrences of overflows from the lake have caused those parties who rely upon it to guard against the danger, to become negligent of the proper precautions and to relax the continued attention which the matter deserves, so that in several cases they have suffered the depressions caused by travel over and along the levees to remain unrepaired and, in some instances, the earth from the protection levees to be washed away and appropriated to private uses.

In the Fourth District and in a portion of the First District the overflow is to be attributed to the removal of the levees bordering the Claiborne street canal. Your committee have failed to discover by whose authority that portion of the levee below the draining machine has been removed. That portion of the levee above the draining machine, extending to Jefferson City, was removed by authority of the late military council, thus leaving the Fourth District and a portion of the First District unprotected.

The overflow in that portion of the city situated between the New Canal and the Carondelet Canal was in great part, occasioned by the removal of the levee of the New Canal for the purpose of widening the said canal, and while your committee consider the procedure to have been highly imprudent, they can attach no special blame to the company, as the levee was being replaced with much promptness and nearly as fast as it was removed.

The company, however, should be directed to increase the elevation of all the levees to guard against all future contingencies, for a good reason that in several places the water rose above the banks. The water rose also over depressions in the levees of the Old Canal and Bayou St. John.

As to the cause of the water remaining in this section of the city longer than in other places, the blame is clearly attributable to negligence on the part of the contractor for running the draining machine for the purpose of discharging the water in proper order, and this negligence has been displayed during the whole time that the machine has been in his charge.

In that part of the city situated between the Old Canal and the lower line of the city, the water rose, chiefly, over the depressions in the levee along the Bayou St. John, which have not been in proper order for several years.

We would furthermore state, however, that the water rose to an unusually great height and that under the circumstances your committee can attach no special blame to any one, but would recommend that all the proper precautions be taken in the premises, to prevent a recurrence of these disasters.

Your committee have to submit the accompanying resolutions.

C. CAMP, Chairman. PETER KAISER, THOS. H. SHIELDS, E. C. MORPHY.

The following resolutions accompanying the above report were unanimously adopted on their several readings:

Resolved, That permission be and the same is hereby granted to M. Wendler to lay a pipe for water from the river to No. 21 St. Ferdinand street, he relaying the paving to the satisfaction of the city surveyor.

Resolved, That permission be and the same is hereby granted to M. Sanchez to lay a pipe for water from his premises, No. 156 Peters street, to the river, he relaying the paving to the satisfaction of the city surveyor.

The following resolution from the Board of Aldermen was concurred in on its several readings, with the following vote:

Year—Messrs. Kearny, Rose, Walker, Pemberton, Camp, Montgomery, Grandpre, Fisher, Morphy, Pandey and Breen.

Mr. Aitkens voting blank.

WHEREAS, It is important for the welfare of the city that the Common Council should be all informed of the probable cost of all improvements ordered by the controller; and

WHEREAS, It is supposed that rates have been formed in order to force the city to pay for materials or work at a price far above their real value; and

WHEREAS, In other instances contracts have been sold below their value, to persons not sufficiently acquainted with the nature of works offered for sale, thereby involving the city into endless litigation, therefore be it

Resolved by the Common Council, That from and after the passage of this resolution it shall be the duty of the controller, in all sales for public works, to give the first bid, said bid shall be considered as the price intended to be paid for said work by the city, and shall be furnished to him by the surveyor.

A resolution from the Board of Aldermen was so amended as to strike out the word surveyor and insert the words street commissioner in its stead, after which it was adopted and read as follows:

WHEREAS, The property holders on Claiborne street have made arrangements with the Gas Company to extend their pipes from Esplanade to St. Bernard street;

It is resolved, That the street commissioner be and is hereby authorized to have the oil lamps in St. Bernard street replaced with gas.

Ayes—Messrs. Kearny, Rose, Aitkens, Walker, Pemberton, Camp, Grandpre, Fisher, Morphy, Pandey and Breen.

Nays—Mr. Montgomery.

Mr. Pandey submitted the following ordinance,

and asked its reference to the joint committee on railroads, granted:

An ORDINANCE in relation to the New Orleans, Mobile and Chattanooga Railroad Company, a Corporation of the State of Louisiana.

Be it ordained, That the time limited (id est, November 24, 1888), for the completion of the railroad of the said New Orleans, Mobile and Chattanooga Railroad Company, between the city of New Orleans and the city of Mobile, in the ordinance which has been heretofore adopted by the city of New Orleans in relation to the said company, be and the same is hereby extended for a term of one year (id est, until November 24, 1889), from and after the expiration of the time limited in the said ordinance heretofore adopted.

The committee on water works submitted the following substitute, in lieu of a resolution received from the Board of Aldermen, but which was found to contain a clerical error requiring correction. The resolution was unanimously adopted on its several readings, to read as follows:

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 send to the commissioners of the City Water Works bonds to the extent of one million five hundred thousand dollars, bearing date the 1st of January 1889 payable at thirty years date, with interest at the rate of five per cent per annum, \$1,395,000, to be paid to said holders, of the Commercial Bank in settlement of the purchase of said Water Works, and the balance, \$106,100, to be used as may by the commissioners be deemed proper for the extension of said Water Works, subject to the approval of the Common Council hereafter to be enacted.

Ayes—Messrs. Kearny, Rose, Aitkens, Walker, Pemberton, Camp, Montgomery, Grandpre, Fisher, Morphy, Pandey and Breen.

Mr. Montgomery offered the following preamble and resolution:

WHEREAS, The rejection by an almost unanimous vote, of the ordinance passed by the Common Council with a view to the relief of the city from its financial embarrassments, together with the publicly expressed belief of the citizens at large that the present Common Council is unable to cope with the many difficult questions which daily present themselves for solution, are positive proofs of the lack of confidence on the part of the people in this body as such; therefore be it

Resolved, That the Common Council in a body, believing it their duty to bow to the will of the people whom they profess to represent, hereby tender to the mayor their resignations, to take effect as soon as their successors shall have been elected;

Mr. Farrell here entered and took his seat.

The resolution being upon its first reading a motion to adopt was decided affirmatively.

Under a suspension of the rules it was placed upon its second reading, when Mr. Pandey moved to amend by striking from the body of the resolution the words "Common Council" and substituting therefor the words "Board of Assistant Aldermen."

The amendment was accepted.

A further amendment was offered by Mr. Pandey to strike out the words "as soon as their successors shall have been elected" and substitute the word "immediately."

Mr. Aitkens moved to lay this last amendment on Mr. Pandey's table.

Mr. Pandey called for the ayes and nays on Mr. Aitkens's motion.

The amendment was laid on the table with the following vote:

Yes—Messrs. Rose, Aitkens, Pemberton, Grandpre, Fisher, Morphy, Breen—7.

Nays—Messrs. Kearny, Walker, Camp, Montgomery, Pandey—5.

Mr. Farrell voting blank.

On motion of Mr. Pemberton the resolution was finally adopted with the following vote: