

The New Orleans Crescent.

OFFICIAL JOURNAL OF THE CITY OF NEW ORLEANS.

SATURDAY MORNING, FEBRUARY 13, 1899.

(OFFICIAL)

COMMON COUNCIL.

BOARD OF ASSISTANT ALDERMEN.

REGULAR SESSION.

CITY HALL, NEW ORLEANS, February 9, 1899.

The board met in regular session, President Kearny in the chair, and Messrs. Walker, Pemberton, Camp, Wynne and Farrell present.

There being no quorum a motion was made and prevailed, that the board do adjourn to meet on Thursday next (14th inst.) at 6 o'clock p. m.

JOHN TOBIN, Secretary.

BOARD OF ASSISTANT ALDERMEN.

EXTRA SESSION.

CITY HALL, NEW ORLEANS, February 11, 1899.

The board met in extra session pursuant to adjournment.

President Kearny in the chair, and Messrs. Rose, Attkins, Montgomery, Sturcken, Fisher, Morphy, Pandely, Wynne, Farrell and Breen present.

The reading of the minutes of the previous meeting was, on motion, dispensed with.

The following communication from the mayor was read, and on motion, referred to a special committee of three.

The chair appointed Messrs. Rose, Grandpré and Sturcken to compose said committee.

STATE OF LOUISIANA.

MAYORALTY OF NEW ORLEANS.

CITY HALL, Feb. 9, 1899.

To the Honorable the Common Council: Gentlemen—Conformably to an ordinance abolishing the Bazaar Market in the Second District, the stalls and stands on the plateau below the French Bazaar Market have been removed.

My special attention having been called to the fact that the site of the bazaar was again occupied by persons who, in violation of the ordinance, have erected the stalls and stands on the plateau below the French Bazaar Market, I have caused the same to be removed, and have caused the site to be cleared and the ground to be graded.

Your attention is called to the necessity of adopting some measures to enforce the late action of the council in relation to the removal of the bazaar. Unless this is done the removal will be of no avail. The whole plateau is a public market, and the city derives not a dollar of revenue from a former source of profit.

If this central ground is to be devoted to market purposes, I would suggest that some steps be taken to erect a suitable building on it, in order that the city may at least, be hereafter benefited. Such a building would, no doubt, be erected by some enterprising contractor, who would agree to receive the revenue from the market, and after a certain period, after which the market should revert to the city, I would therefore recommend that a committee of your honorable board be appointed to take into consideration the propriety of such a course.

Your attention is also called to the fact that the central ground in front of the French Fruit Market. Unsanitary and dilapidated shanties now occupy a portion of it, while the intersection of Old Levee and Peters streets is occupied by hucksters, who often impede the passage of vehicles. I would suggest that the shanties alluded to be removed as obstructions, as they have no connection with the fruit market, and that the measures be adopted to clear the streets in front of premises occupying them to the detriment of the public.

Sometime since I called the attention of the street commissioner to the fact that the intersection of the above streets was obstructed by tables and stands on the site of the late bazaar. With no force at the command of the mayor to execute the laws and ordinances in respect to the French and other market places, I respectfully ask that the Common Council take such action in the premises as their wisdom may suggest.

Very respectfully, etc., JOHN R. CONWAY, Mayor.

The following message from the mayor was received:

STATE OF LOUISIANA.

MAYORALTY OF NEW ORLEANS.

CITY HALL, Feb. 2, 1899.

To the Honorable the Common Council: Gentlemen—The following preamble and resolution, originating in the Board of Assistant Aldermen, have been adopted by the Common Council.

"WHEREAS, the best interests of the city require the encouragement of commerce and proper and necessary aid and protection to all parties investing their capital in home enterprises; and

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justify the inclosure of a space of ground on the bank of the river, for the safety of his net when spread to be dried, nor the erection of a warehouse for the storage of his fish, the carpenter cannot be held responsible for the permanent damage to the building for the safety of his tools or the materials which he uses, nor to fence the ground for the protection of the timber which it may be his interest to accumulate.

This same principle is enunciated in the case of De Armas vs. the Mayor, etc., of New Orleans. Judge Martin held that "a citizen or inhabitant of any city, town or parish, and even a stranger or alien, has an equal right to the use of a street, square, the quay or port of the city, to the use of part of the sea or river on which the city or town stands, with any one that dwells or owns property therein."

Recently the Supreme Court of the United States has decided that the land lying between Front street, in Cincinnati, and the Ohio river, was set apart as a common for the use and benefit of the town, and the right of the public to use this space must be on the same principle as that of using the streets and highways.

In addition to the above decisions I call your special attention to those of our Supreme Court, related in my Digest and of a recent date. A few will suffice, viz:

"The municipal authorities are bound to preserve, unobstructed, for public use, the streets of the city and the banks of the river, which are public places."

Again: "The use of the banks of the river and the batters outside of the levee is vested in the public."

Again: "Public places within the limits of a corporation cannot be appropriated to private use."

Again: "The banks of the river are public property, subject to be used by the public at large."

In this connection I beg to call your attention also to the acts of the Legislature of 1839, which make it the duty of the mayor to remove such obstructions as may be erected within or on any street or public way, or acknowledged as such, and which must be in the same principle as that of using the streets and highways.

Should this grant be made Charles Morgan, the owner of the premises, reasonably be denied the right to erect a new building, and of a recent date. A few will suffice, viz:

"The municipal authorities are bound to preserve, unobstructed, for public use, the streets of the city and the banks of the river, which are public places, and

"WHEREAS, Certain steamship and steamboat companies, and other persons, have lately caused to be inclosed certain portions of the banks of the river, and erected thereon certain buildings, he it resolved, That the city surveyor be and he is hereby authorized and directed to cause to be removed immediately all fences, buildings, etc., and other obstructions found on the levee in front of the city."

In obedience to this resolution the city surveyor demolished the buildings erected by the New York Mail Steamship Company, and other similar obstructions on the banks of the river. Highly licensed as this act of public justice, the company rushed into the United States Supreme Court, and there, by the aid of the law, they made to them by the term of ten years, at the annual rent of \$8000, and that they had expended the sum of \$6500 in the erection of sheds and other improvements on the premises.

The case is now on the docket of the United States Supreme Court, and James T. Brady and E. A. VanSickle were retained for the city by Mayor Kearny, by authority of a resolution approved the 23d of January, 1899.

Recently, I am informed by the counsel for the city, that the assignees of the company are anxious to effect a compromise on such terms as indicate the willingness of obtaining a judgment against the city in the Supreme Court of the United States.

Now, should Charles Morgan be granted the right to erect sheds or buildings on the banks of the river in contravention of the decisions of our courts, and the solemn decisions of the Common Council of 1896 that it is the duty of the corporate authorities to preserve unobstructed for the public use said banks, the interests of the city would in all probability be greatly jeopardized.

It is the duty of the city to preserve the banks of the river, and the wharves for the free and equal use of the people of New Orleans and the strangers who visit us for pleasure or business.

It is highly probable that still more advantageous terms will be offered by the corporate authorities than the one now proposed, and that the city will not thereby be deprived of the advantages of the case.

I deem the above objections amply sufficient to justify the action taken by me as the executive officer of the city government. To the extent to which the city government is bound to preserve the banks of the river, and the wharves for the free and equal use of the people of New Orleans and the strangers who visit us for pleasure or business.

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OFFICE BOARD OF HEALTH, No. 159 Canal Street, State of Louisiana, N. O., Feb. 4, 1899. To the Common Council of the City of New Orleans: Gentlemen—The Board of Health has appointed a committee to consult with the Common Council for the purpose of altering and amending the health ordinance of this city.

We respectfully ask that a committee be appointed by your body, to meet and confer with us in relation to the proposed changes.

Very respectfully, J. CECIL LEGAIRE, Chairman Committee of Board of Health.

On behalf of this board the chair appointed Messrs. Rose, Camp and Montgomery.

The following resolution from the Board of Aldermen was read, when, on a motion to adopt, it was declared lost:

Resolved, That the four license inspectors be alternated in their field of duty, so that each shall serve not over three months in each district, and that the finance committee control said interchange.

The following resolution from the Board of Aldermen was read:

Resolved, That the treasurer be instructed not to recognize the notes issued in pursuance of the so-called sale of the city markets for the year 1899.

Mr. Pandely here called for the reading of the report of the special committee on this subject, made at a previous meeting, and upon its conclusion submitted the following resolution, which was adopted with the following vote:

Yeas—Messrs. Rose, Attkins, Walker, Pemberton, Camp, Montgomery, Sturcken, Grandpré, Fisher, Morphy, Pandely, Wynne, Farrell and Breen.

Resolved, That the Board of Assistant Aldermen concur in the views expressed by the committee, yet it cannot refrain from an expression of regret at the extraordinary conduct of the mayor in entering into a contract which in spirit is so much at variance with the views of the council, and that nothing but a strong opinion to avoid litigation induces them to pass the matter over.

The board here resumed consideration of the resolution instructing the treasurer not to recognize the notes given by the lessees of the markets, when it was finally disposed of by postponing indefinitely.

Mr. Fisher, under a suspension of the rules, called for the reading of the report of the finance committee, as follows:

FINANCE COMMITTEE ROOM, No. 23 City Hall, New Orleans, Feb. 11, 1899. To the Honorable the President and Members of the Board of Assistant Aldermen:

Gentlemen—Your committee beg leave to report as follows on the different subjects referred to in your resolutions of the 10th inst.:

On the petition of the keepers and owners of free markets, praying to be permitted to use zinc secured by copper nails, to cover the floors of their respective establishments, favorably by resolution of the Board of Aldermen, approved the 12th of January, 1899.

On the resolution amending ordinance No. 1206, approved Dec. 31, 1898, entitled an ordinance to establish a uniform rate of taxes and licenses on professions, callings, etc., favorably by resolution of the Board of Aldermen, approved the 10th of January, 1899.

Very respectfully, TH. F. FISHER, Chairman Finance Committee. R. WYNNE, JOHN BREEN.

The following resolution accompanying the above report was, after being read, referred to the committee on streets and landings:

Resolved, That all persons doing business under the laws of this city, and who have introduced other similar obstructions on the banks of the river, highly licensed as this act of public justice, the company rushed into the United States Supreme Court, and there, by the aid of the law, they made to them by the term of ten years, at the annual rent of \$8000, and that they had expended the sum of \$6500 in the erection of sheds and other improvements on the premises.

The case is now on the docket of the United States Supreme Court, and James T. Brady and E. A. VanSickle were retained for the city by Mayor Kearny, by authority of a resolution approved the 23d of January, 1899.

Recently, I am informed by the counsel for the city, that the assignees of the company are anxious to effect a compromise on such terms as indicate the willingness of obtaining a judgment against the city in the Supreme Court of the United States.

Now, should Charles Morgan be granted the right to erect sheds or buildings on the banks of the river in contravention of the decisions of our courts, and the solemn decisions of the Common Council of 1896 that it is the duty of the corporate authorities to preserve unobstructed for the public use said banks, the interests of the city would in all probability be greatly jeopardized.

It is the duty of the city to preserve the banks of the river, and the wharves for the free and equal use of the people of New Orleans and the strangers who visit us for pleasure or business.

It is highly probable that still more advantageous terms will be offered by the corporate authorities than the one now proposed, and that the city will not thereby be deprived of the advantages of the case.

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N. O. for shelling and grading Dorothea street, from Carondelet Canal to Esplanade streets, to Frank Marquet as principal, and John McVittie as running foot.

Be it further ordained, That the said railroad company shall be bound to pave, with material corresponding with existing pavements, the space between the rails of the track, and as much on each side of the track through the streets as may be necessary to put them in good condition as they were before the pavement was taken up by said railroad company, and should the said company, after being duly notified by the street commissioner, refuse or neglect to keep said portion of the streets in the said good order, repair and condition it shall be the duty of the street commissioner to cause the said repairs to be made at the expense of said railroad company, and to immediately report the same and the cost thereof to the Common Council, and in the event of a refusal by the said railroad company to pay the city the amount of expenses thus incurred for making the said repairs, the said amount shall be recoverable before any court of competent jurisdiction.

Be it further ordained, That the said railroad company shall have the right to construct, and thereafter use and maintain, for the safe and convenient transaction of its business, such depots as it may deem necessary; provided that said depots be located on property to be first legally acquired by said company; and provided also, that the said depots be constructed in the most substantial and workmanlike manner, with bricks, stone or iron, and covered with slate or metal, and be designed and completed in such a manner as to make them in every respect first-class depot buildings.

Be it further ordained, That the tracks on said road shall not move at a rate greater than five miles per hour.

Be it further ordained, That the tracks already in existence or which may hereafter be erected by the Common Council, shall be subject to the same regulations as those already in existence, or which may hereafter be erected by the Common Council.

Be it further ordained, That should the said New Orleans, Jackson and Great Northern Railroad Company fail to maintain, for the safe and convenient communication and means of traffic on said line of road, then the rights and privileges which are hereby granted to said company shall be forfeited and revert to the city of New Orleans.

The following resolution from the Board of Aldermen was referred to the committee on improvements and buildings:

WHEREAS, The actions which occurred on the night of the 9th instant, shows conclusively that different structures, such as balconies, verandas, walls, etc., are erected in a manner fraught with danger and peril for the lives of the inhabitants of this city; and

WHEREAS, It is incumbent on the City Council to adopt such measures as will tend to prevent the recurrence of such accidents—

Be it therefore resolved, That a joint committee of five members, two from the Board of Aldermen and three from the Board of Assistant Aldermen, be appointed, to report at the next meeting an ordinance recommending the appointment of an inspector of balconies, verandas and walls, the enumeration of his duties, the salary to be paid to him, the manner of his selection, and to all those found in contravention and reported by him, and such other matters appearing to the subject as they may think necessary.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the First District, to J. G. Campbell as principal, and Patrick Halpin security, at twenty-four hundred and fifty dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Second District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Fourth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Fifth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Sixth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Seventh District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Eighth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Ninth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Tenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Eleventh District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Twelfth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Thirteenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Fourteenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Fifteenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Sixteenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Seventeenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Eighteenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Nineteenth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Twentieth District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents per foot for making new bridges and crossings, be and the same is hereby approved, the security accepted, and the mayor authorized to enter into contract with the parties, per notarial act, for the performance of said work.

Resolved, That the adjudication by the controller, of the contract in accordance with ordinance No. 1246, N. S., for repairing and keeping in repair the bridges and crossings, and building new bridges and crossings in the Twenty-first District, to E. Burns as principal, and William Henry as security, for the sum of one thousand two hundred and seventy-five (\$1275) dollars for repairing and keeping in repair the bridges and crossings, and four cents