

New Orleans Republican. OFFICIAL JOURNAL OF THE UNITED STATES. CITY COUNCIL—OFFICIAL. REGULAR MEETING.

CITY HALL, NEW ORLEANS, Tuesday, July 5, 1870. Mayor Flanders having returned to the city, called the Council to order at half-past seven P. M., and presided over the meeting. The roll was called.

Present: Administrators J. R. West (Improvements), Alfred Shaw (Accounts), L. T. Delassie (Public Buildings), S. C. Emley (Commerce), E. W. Pierce (Police), J. S. Walton (Finance), and H. Bonzano (Assessments).

Reading of the minutes dispensed with. Communication from the Mayor. The Mayor announced that he had a message to submit to the Council on matters of public interest and importance, but as there was so much business pressing on the Council he would defer it till the next meeting.

Department Reports. Mr. Shaw presented the following report: Department of Public Accounts, New Orleans, July 5, 1870. To the Council of the City of New Orleans: Among the assets of the late City of Jefferson turned over to the city of New Orleans are fifty notes of \$500 each, payable annually at from one to fifty years, without interest. These notes are given in payment of the right, title and interest in the City of Jefferson, from the Magazine Street Railroad from Toledo street to St. Joseph street, its buildings, stock, fixtures, horses, mules and running apparatus.

Mr. West asked for information, what the balance was. The Mayor and Mr. Walton explained that there were several balances, some of which were not available, being set apart for the payment of interest on notes, etc. Mr. Bonzano presented the following nine reports, which he moved should be printed and spread upon the minutes without reading, and the Council so ordered.

Report by the Administrator of Assessments on the petition of L. G. Gibson, agent for the estate of the late R. W. Montgomery. The petitioner asks to be relieved of the interest accrued on the tax bill of 1868, against the property belonging to the estate of the late R. W. Montgomery. The testimony adduced shows that on the twenty-ninth day of April, 1869, a legal tender was duly made, in accordance with the Act of the General Assembly, approved February 27, 1869, in Metropolitan Police warrants, and that the tender was refused by the City Treasurer.

Report by the Administrator of Assessments on the petition of George W. Brown, attorney at law, 180 Canal street, fifth assessment district, New Orleans. Resolved, That the City Attorney be directed to instruct the Sheriff to stop all proceedings in the suit of the City of New Orleans vs. the estate of R. W. Montgomery, and to settle said tax bill by abating the interest thereon, together with the costs of court, attorney's fees, etc., to be paid without delay in currency.

Report by the Administrator of Assessments on the petition of L. H. Gardner, for the reduction of assessment on his property on Esplanade street. The petitioner represents that his property is situated on Esplanade street, and that he has been wrongfully assessed for the year 1869, at \$15,000. The sworn statement of Mr. Gardner shows that in June, 1868, he paid \$12,000 for the tax on his property, and that he has since been assessed for the year 1869, at \$15,000.

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March, 1870, and asks to have the amount refunded to him, and to have the amount repaid to him. The allegations contained in this petition are not supported by requisite evidence. I therefore recommend that the petition be dismissed, and that the amount be repaid to the City of New Orleans. Very respectfully, H. BONZANO, Administrator of Assessments.

Report by the Administrator of Assessments on the petition of R. E. Taylor, No. 14 Parish, New Orleans, Fiscal Agent. The petitioner asks to be relieved from a judgment rendered against him by the Seventh District Court for a tax assessed upon his capital in the year 1868, and states under oath that he was not a resident of this State, and that he had no capital in trade in this city during that year.

Report by the Administrator of Assessments on the petition of D. Turcaud, physician, No. 13 Rampart street. The petitioner says he called, through his attorney, at the proper time, to pay his city tax for the year 1868, but was unable to do so, as his property had been seized by the sheriff for the non-payment of a tax bill against D. Fineaud, which is not his name, although the tax was assessed on his property.

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replied that either the lottery is against public morals and the spirit of the constitution, or it is not. If not, the lottery business is legitimate, and any objection may be made. Therefore the act conferring the privilege on one company to the exclusion of all others, is a monopoly, and hence unconstitutional. I think I should not so difficultly in sustaining this view by the authority of the elementary writers on legal science, as well as the decisions of enlightened courts, but deem it unnecessary to prolong this answer to the question submitted.

For these reasons, I am of opinion that the City Council can not legally license "wheels of fortune," but may by ordinance prohibit them and suppress all kindred evils. I have the honor to remain, Your obedient servant, RUFUS WAPLES, Assistant City Attorney.

From City Attorney Lacey: To the Honorable the Mayor and Members of the City Council: GENTLEMEN—The bills of Thomas L. Maxwell, Sheriff, in the matter of the interdiction of Mrs. V. Ball, No. 337,788, Second District Court, in which the Board of Health, Eliza Haynes, 23,408, Second District Court, are greatly in excess of that which the law allows, and are unaccompanied with the order of the district judge, as by law required.

Resolved, That the Sheriff is hereby authorized to return the writ in the case of the City of New Orleans vs. R. G. Taylor (No. 1818), and the City Attorney is directed to cancel the judgment rendered against the petitioner. I have the honor to remain, Your obedient servant, GEORGE S. LACEY, City Attorney.

The following communication from the Board of Health was referred to the Department of Commerce: OFFICE BOARD OF HEALTH, State of Louisiana, No. 129 Canal street, New Orleans, July 5, 1870. Honorable B. F. Flanders, Mayor of New Orleans: Sir—At a regular meeting of the Board of Health, State of Louisiana, held Friday, July 1, 1870, the following resolution was adopted: Resolved, That the president of this board transmit a copy of the sanitary ordinance, as amended, to the honorable Common Council, city of New Orleans, and request them to adopt said sanitary ordinance as a portion of city laws, making such changes as the nature of the case may require.

Resolved, That the Board of Health recommend to the honorable Common Council immediate action on the subject of the storage of petroleum. I have the honor to state that fires from petroleum and its products are not extinguishable by water, and that if the present method of storing large quantities in the densely built portions of the city be continued, the loss of life and property from this cause are merely a question of time. Very respectfully, Your obedient servant, C. B. WHITE, M. D., President Board of Health, State of Louisiana.

Resolutions, etc. Mr. Pierce, in introducing the following resolution, remarked that the fence was in very bad condition; that the posts had been undermined in digging drains, and that it was absolutely necessary that these repairs should be made before the painting authorized at the last meeting could be done. Be it resolved, etc., That the Administrator of Police be and is hereby authorized to cause the gates, locks, railings and arches over the canal of collection (No. 1) to be repaired, and to expend not to exceed three hundred dollars (300) thereon. The resolution was adopted.

Mr. Pierce offered the following: An ordinance amending an ordinance entitled "An ordinance establishing pounds for the city of New Orleans," approved October 14, 1866. Be it ordained, etc., That so much of ordinance No. 347, new series, approved December 14, 1866, as requires "all goats impounded, set in the pound, to be delivered within four hours to be sold by the Street Commissioner or his deputy, after three days' notice in the official journal," be and the same is hereby repealed, and that hereafter instead of four hours, the goats shall be sold within forty-eight hours, shall be sold without notice in the official journal.

Mr. Pierce stated that a large number of persons whose whole sales perhaps did not amount to more than a hundred dollars a year, and whose stock in trade did not exceed five dollars—cripples, widows, old people and imbeciles incapable of earning a living by manual labor—were continually asking the Mayor to grant them free licenses. It had been customary for the Mayor to grant this privilege, though there was no authority of law for his doing, but this custom was liable to abuse. He desired there should be some discretionary authority given to the Mayor, or at any rate that the subject should be discussed by the Council. He thought the limit assigned in this ordinance was too large, and there was no specification of the class of persons to whom the permit should be granted. He thought it should be confined to those unable to work. He suggested that the resolution should lay over.

Mr. West moved to reconsider the vote just passed. After hearing the Mayor's explanation, he was quite prepared to act, reducing the capital to fifty dollars, and leaving the Mayor full discretionary powers as to the class of persons to whom the free license should be given. The motion to reconsider was carried, Mr. Emley accepted the amendment, and the resolution as amended was adopted.

Mr. Emley introduced the following, and moved its adoption: An ordinance for the protection of birds of the city of New Orleans. Be it ordained by the Council of the City of New Orleans, That from and after the adoption and promulgation of this ordinance, it shall be unlawful for any person to kill or capture any bird at large, or within the limits of this city, or to destroy or disturb the nest, eggs, or young of any such bird. Be it further ordained, That any person who shall be found guilty of any infraction of this ordinance, shall be fined not less than five dollars nor more than twenty-five dollars, one-half of the fine shall be paid to the informer, and one-half shall be paid into the city treasury.

Mr. West suggested an alternative of five days' imprisonment on the non-payment of the fine. Mr. Emley pointed out that, under the law, the recorders were empowered to enforce city ordinances, and to commit to the Parish Prison those who did not pay the fines. Mr. Bonzano asked if this ordinance was intended to extend over the Mississippi river, and if anybody would be allowed to kill wild ducks. The Mayor: Not within the limits of the city. Mr. Emley remarked that in other cities

great care was taken for the preservation of small birds. New York had imported English sparrows, and now had them by thousands; so had Philadelphia. Small birds were quite as necessary in the South as in the North. They lived on the insects and bugs which destroyed the trees and plants. Mr. Bonzano remarked that the limits of the city now extended to the swamps, where there were ducks and snipes, which did not destroy bugs and insects, and besides, were very good to eat.

The Mayor: Have you any amendment? Mr. Bonzano: Would like to have the species of birds defined? Mr. Emley consented to lay the ordinance over until the next meeting. Mr. Emley offered the following, to be printed and laid over: An ordinance providing for the measurement of coal in barges, flatboats, and other means of conveyance, and creating the office of coal measurer.

SECTION 1. Be it ordained by the Council of the city of New Orleans, That it shall be lawful for any person to sell or offer for sale any kind of coal, flatboat load, or other boat load of mineral coal, without first having the same measured by the coal measurer or by an assistant coal measurer. SECTION 2. Be it further ordained, That upon the adoption and promulgation of this ordinance, the Administrator of the Department of Commerce shall nominate, and the Council shall appoint a coal measurer, and an assistant coal measurer, whose duty it shall be to measure any and all cargoes of mineral coal in barges, flatboats or other boats, ascertaining the quantity thereof in cubic feet, which he shall reduce to bushels or barrels as may be required, and shall issue a certificate therefor, setting forth the quantity, and a counterpart of such certificate he shall retain, and for each and every cargo of coal he shall receive for each and every cargo of coal, the said measurer shall be entitled to receive a fee of five dollars from the seller.

SECTION 3. Be it further ordained, That any person who shall be found guilty of an infraction of this ordinance shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, which shall be paid into the city treasury. SECTION 4. Be it further ordained, That this ordinance shall be effective on and after the first day of August, 1870. Mr. Emley said he had an ordinance to offer, amending the terrible wood and coal ordinance, and as this measure has been suggested by the dealers themselves, he hoped it would settle the question forever. He asked that the ordinance be laid over to be printed, and the Council so ordered. It was as follows:

An ordinance dividing the city into two wood and coal divisions, and appointing inspectors for each, and providing penalties. SECTION 1. Be it ordained by the Council of the city of New Orleans, That the city be and hereby is divided into two wood and coal divisions; that all that part of the city known as the first division, and that part below Canal street, including the Fifth District, shall be constituted and known as the second division. SECTION 2. Be it further ordained, That in the month of July, eighteen hundred and seventy, and annually thereafter, the Administrator of Commerce shall nominate, and by and for the Council, appoint one inspector of wood and coal for each of said divisions, with such number of assistant inspectors as may be necessary.

SECTION 3. Be it further ordained, That it shall not be lawful, after the adoption and promulgation of this ordinance, for any person to offer for sale any fire wood at any yard or place, or to have any such wood piled up within the city limits, without having the same measured by one of the inspectors and having his certificate thereon, which certificate must first be delivered for four hours to be sold by the Street Commissioner or his deputy, after three days' notice in the official journal, and the same is hereby repealed, and that hereafter instead of four hours, the wood shall be sold within forty-eight hours, shall be sold without notice in the official journal.

In moving the adoption of the ordinance, Mr. Pierce stated that the cost of advertising these goats three times in the official journal, sometimes amounted to six or ten times the proceeds of the sale. It was better for the city to board them an extra day than to pay so much for advertising. This plan had already been adopted in the case of hogs, which were sold without advertisement. The ordinance was adopted.

Mr. Emley introduced the following: Resolved, That the Mayor is hereby instructed to cause the gates, locks, railings and arches over the canal of collection (No. 1) to be repaired, and to expend not to exceed three hundred dollars (300) thereon. The resolution was adopted.

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prisons be and are hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in payment thereof. Pay roll of City Attorney, assistant and clerks, for June, 1870, \$1558 33. Pay roll of the Department of Street Commissioner, from the first to the fourth of April, 1870, inclusive, \$1213 15.

Widow S. V. Coulter, for reimbursement of tax of 1869, paid by her in error on the bills, Nos. 2734, on property which is not assessed, and which she does not own, \$20 19. Christian & Hyatt, for stationary furnished Commissioners Consolidated Debt, \$18. New Orleans Republican Printing Company, for advertising notice to holders of floating debt, \$6.

Kruscheldt & Bienville, for sundry hardware furnished by City Hall, \$24 80. E. S. Wurzbarger, Criminal Sheriff of the parish of Orleans, for expenses and costs in First District Court for quarter ending June 30, 1870, \$311 50. E. S. Wurzbarger, for maintenance of prisoners, and turnkey's fees in June, 1870, \$1073 90.

E. S. Wurzbarger, for conveying prisoners to State Penitentiary at Baton Rouge in June, 1870, \$156. New Orleans Republican Printing Company, for advertising ordinance, Administration of Commerce, \$1248. Catherine Lynch, for staining and varnishing desk, as per agreement, \$1 50. J. W. Madden, for tax book and tax bills administered by Department of Public Accounts, \$330 30.

Firemen's Charitable Association, for amount due for the month of June, 1870, \$10,000. George Dickson, for paste for sundry departments, \$2. An ordinance to provide for the settlement of accounts therein named. Be it ordained, That the Administrator of Public Accounts be and is authorized to settle with the holders of the following claims, at the option of said holders, by the issue of certificates under ordinance 197, administration series, for costs in sundry suits, \$573. J. Burckett & Son, for brooms, soap, etc., \$41 70.

H. C. Calkins, Eighth Justice of the Peace, for fees, \$59 19. The Constable for Eighth Justice of the Peace, for fees, \$67 50. James Woods, for retaching and detaching the bell at the Central Baptist Church, one year to first May, 1870, \$30. Gaslight Company, for fifty loads gas lime, \$50. William A. Bell, for reimbursement of taxes of 1867, \$15.

New Orleans Beer, for advertising assessments roll in 1869, \$22. S. B. Packard, late Register of Conveyances, for sundry certificates furnished the Board of City Assessors, as per bills approved in 1869, \$329 50. House of the Good Shepherd, for amount due for the quarter ending June 30, 1869, \$525.

The Protestant Orphans' Home Asylum, for amount due for the quarter ending June 30, 1869, \$441. The Protestant Orphans' Home Asylum, for amount due for the quarter ending September 30, 1869, \$441. The Mayor, on the bell item, asked if there was any ordinance or contract under which the work was being done and mentioned, and referred to the payment recently ordered for the repair of the Cathedral clock, which was not in repair at all.

Mr. Delassie said he had investigated the clock business; he knew nothing about the bells. The ordinance was passed. Mr. Shaw called up the following ordinance, introduced by the Administrator of Improvements and referred to him, and reported thereon as follows: To the Honorable Council: Undersigned, to whom the following ordinance was referred at your last meeting, has carefully examined the same, and respectfully recommends its adoption.

Administrator of Improvements. An ordinance directing the issue of interest-bearing certificates to certain creditors of the city, in accordance with ordinance No. 197, Administration series. Be it ordained by the Council of the city of New Orleans, That the Administrator of Public Accounts be and is hereby authorized and directed to issue interest-bearing certificates, in accordance with ordinance No. 197, Administration series, to the holders of the following bills and certificates approved by the Administrator of Improvements and the City Surveyor: Sloomb, Baldwin & Co., hardware, \$15 00.

Sloomb, Baldwin & Co., hardware, \$100. Sloomb, Baldwin & Co., hardware, \$345. Oehmichen & Pothier, hardware, \$184 35. Oehmichen & Pothier, hardware, \$39. Oehmichen & Pothier, hardware, \$35 54. D. C. McCann, hardware, \$125. McCloskey, Bigley & Co., coal, \$21 75. McCloskey, Bigley & Co., coal, \$14 50. McCloskey, Bigley & Co., coal, \$362 50. John Clark, hardware, \$184 35. Frederick Keine, intersection of streets, \$50 40.

John Peltier, lumber, \$36. Devoe Cronan, lumber, \$2 80. J. A. d'Homecourt, plans, etc., \$300. William Golding, repairs of streets, \$41. William Golding, repairs of canal bridges, \$40. William Golding, repairing draining machines, \$151 95. William Golding, repairing draining machines, \$388 57. William Golding, repairing draining machines, \$17 50. William Golding, repairing draining machines, \$432 50. William Golding, repairing draining machines, \$184 42. William Golding, repairing draining machines, \$94 75. William Golding, repairing draining machines, \$191 05. William Golding, repairing draining machines, \$469 50. William Golding, repairing draining machines, \$114 50. William Golding, repairing draining machines, \$138 50. William Golding, repairing draining machines, \$173 60. William Golding, repairing draining machines, \$327 81. William Golding, repairing draining machines, \$376 60.

Roberts, intersection of street, \$54. F. Roberts, intersection of streets, \$54. Martin & Halbritter, intersection of streets, \$54. George Hummel, intersection of streets, \$54. F. W. Gottschalk, intersection of streets, \$54. H. Pateman, intersection of streets, \$54. William Henry, filling batteries, \$37 50. G. Corroilles, paving Levee street, \$4009 65. J. Coleman & Co., paving Rampart street, \$6649 44. J. Coleman & Co., paving Rampart street, \$4055 01. Eager, Eberman & Co., \$784. John Coleman, from Common to Esplanade streets, \$2360 33. G. Corroilles, from Poland street to the Convent, \$7121 07. Mr. West said this ordinance amounted to about thirty thousand dollars in all and embraced a large number of claims which were in suspense at the change of administration. The ordinance was read item by item and adopted on a ye and nay vote. Mr. Shaw called up the following, which was finally passed on a ye and nay vote: Resolved, That the Administrator of Public Accounts warrant on the Administrator of Finance in favor of the following asylums for the sums respectively set opposite their

names, being their quarterly allowance for charity to June 30, 1870, in conformity with article 716, revised city laws and ordinance: St. Joseph German Asylum, two hundred and one orphans, seven hundred and three dollars and fifty cents (\$703 50). St. Mary's Male Orphan Asylum, three hundred and sixty-seven orphans, twelve hundred and seventy-seven dollars and fifty cents (\$1277 50).

Protestant Orphans' Home, Seventh street, one hundred and twenty-five orphans, four hundred and thirty-seven dollars and fifty cents (\$437 50). Orphan's Infirmary, Conception Asylum, ninety orphans, three hundred and fifteen dollars (\$315). St. Elizabeth Female Orphan Asylum, one hundred and fifty-two orphans, five hundred and thirty-two dollars (\$532).

Orphan's Home Society Asylum, one hundred orphans, three hundred and fifty dollars (\$350). St. Vincent's Carmel Asylum, one hundred and eighty-three orphans, six hundred and forty dollars and fifty cents (\$640 50). St. Vincent Infant Orphan Asylum, one hundred and sixty-three orphans, five hundred and seventy dollars and fifty cents (\$570 50).

New Orleans Female Orphan Asylum, one hundred and ninety-five orphans, six hundred and sixty dollars (\$660). St. Vincent Home Boys' Asylum, seventy-five orphans, two hundred and fifty-nine dollars (\$259). An ordinance 449, new series, in favor of the House of the Aged and Infirm for allowance for June, 1870, one hundred and fifty dollars (\$150).

And under ordinance 1558, new series, in favor of St. Vincent's Infant Orphan Asylum, for wet nurses, two hundred dollars per month, for May and June, 1870, four hundred dollars (\$400). And in favor of the House of the Good Shepherd, for their quarterly allowance of charity to June 30, 1870, as per ordinance 456, new series, for one hundred and fifty inmates, five hundred and twenty-five dollars (\$525).

By Mr. West: An ordinance appropriating money to pay for the purchase of shells delivered under contract. Be it ordained by the Council of the city of New Orleans, That the sum of three hundred and fifty dollars (\$350) be and is hereby appropriated to pay Q. A. Thomas for ten thousand (10,000) barrels of shells delivered under contract, authorized by ordinance No. 165, Administration series, and to be paid to the said Q. A. Thomas, and to be further ordained, etc., That the Administrator of Public Accounts be and is hereby authorized and directed to draw a warrant upon the Administrator of Finance in favor of the said Q. A. Thomas, for the sum of three thousand eight hundred (\$3800) dollars, upon receipt of a voucher for the said amount; approved by the Administrator of Improvements. Read twice and laid over.

By Mr. West: Ordinance amendatory of ordinance No. 130, Administration series. Be it ordained by the Council of the city of New Orleans, That section 2 of ordinance No. 130, Administration series, be and it is hereby amended to read as follows: 2. Be it further ordained, etc., That in that portion of St. Charles avenue, between the intersection of Toledo street, the following dimensions of side-walks, roadway and neutral ground are hereby established: Side-walks eighteen (18) feet in width, on each side of the roadway, and in width, one (1) neutral ground of twenty-two (22) feet in width. Adopted.

By Mr. West: The undersigned respectfully reports the following bids as having been received in answer to the advertisement inviting "proposals for iron work on St. Charles avenue": William Golding 3% per pound; David H. Sherman 3% per pound; John Armstrong 4% cents; John Clark 3% cents; Leeds & Co. 4% cents, and the bid of William Golding at 3% cents per pound, and the said Q. A. Thomas fully recommends the passage of the accompanying resolution, awarding the contract to and accepting the security offered by him. Very respectfully, your obedient servant, J. R. WEST, Administrator.

Resolved, That the proposal of William Golding to furnish cast iron bridges and trough street, at thirty (30) cents per foot, from Tirol circle to Toledo street, at three and three-eighths (3 3/8) per pound, and offering J. H. Sherman and F. R. Stevenson as security, in the sum of three thousand (\$3000) dollars, be and the same is hereby accepted, and the Mayor authorized to enter into contract on behalf of the city, per meter and for the performance of said contract. Carried by a ye and nay vote.

By Mr. West: The undersigned respectfully reports that in answer to the advertisement inviting "proposals for brick work on Saint Charles Avenue," the following bids have been received: Sewer, Bottom, Side, William Henry..... \$13 75 3c 45c John Biety..... 11 15 40c 30c P. G. Conway..... 14 45 60c 68c Robert Downey..... 15 00 55c 68c And the bid of John Biety being the lowest, respectfully recommends the passage of the accompanying resolution adjudicating the contract to him, and accepting the security offered by him. Very respectfully, your obedient servant, J. R. WEST, Administrator.

Resolved, That the proposal of John Biety to furnish all materials and build brick sides and bottoms for all bridges or culverts in St. Charles avenue, from Tirol circle to Toledo street, at thirty (30) cents per superficial foot for sides, and forty (40) cents per superficial foot for bottoms; also to furnish all materials and construct a brick culvert in the center of St. Charles avenue at elevation of \$11 75 dollars, and fifteen cents per lineal foot, and offering Benjamin S. Harrison and Simon Hershe as surety in the sum of five thousand (\$5000) dollars, be and the same is hereby accepted, and the Mayor authorized to enter into contract on behalf of the city per meter act before the City Notary for the performance of said contract. The roll was called and the ordinance unanimously adopted.

By Mr. West: Resolution authorizing the Administrator of Improvements to advertise for proposals to move the Carrollton railroad track. Resolved, That the Administrator of Improvements be and is hereby authorized to advertise for proposals to move the Carrollton railroad track, on St. Charles avenue, from Tirol circle to First street. Adopted.

By Mr. West: The undersigned respectfully reports that in answer to the advertisement inviting "proposals for brick work on Saint Charles Avenue," the following bids have been received: Sewer, Bottom, Side, William Henry..... \$13 75 3c 45c John Biety..... 11 15 40c 30c P. G. Conway..... 14 45 60c 68c Robert Downey..... 15 00 55c 68c And the bid of John Biety being the lowest, respectfully recommends the passage of the accompanying resolution adjudicating the contract to him, and accepting the security offered by him. Very respectfully, your obedient servant, J. R. WEST, Administrator. The report was received, and the action of the Administrator confirmed. The Mayor said there had been handed to

[CONTINUED ON SEVENTH PAGE.]